

2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Crimes Legislation Amendment Bill 2025 (No 2)

Contents

	Page
Part 1	
Preliminary	
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Legislation repealed	2
Part 2	
Confiscation of Criminal Assets Act 2003	
5 Review of unexplained wealth provisions	
Section 258A (1) (a)	3
6 Section 258A (1) (b)	3

J2025-162

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

	Page
7 Section 258A (2)	3
Part 3 Corrections Management Act 2007	
8 Exclusions from notified corrections policies and operating procedures Section 15 (2) (b) (v) and (vi)	4
9 Access to correctional centres Section 56A	4
10 Dictionary, definition of <i>accredited person</i> , paragraphs (e) and (f)	4
11 Dictionary, definition of <i>protected mail</i> , paragraphs (d) and (e)	4
Part 4 Crimes (Child Sex Offenders) Act 2005	
12 Registrable offender—exceptions Section 9 (1) (c), note	5
13 Section 9 (2)	5
14 What is a <i>registrable offence</i> ? New section 10 (4)	6
15 Right to privacy when being photographed Section 79 (1) (b)	6
16 Section 79 (3)	6
17 What is <i>child-related employment</i> ? Section 124 (1) (t)	7
18 Definitions—ch 5A Section 132A, definition of <i>application</i>	7
19 Registration of corresponding prohibition order—no amendment Section 132N (1) (b)	7
20 Registration of corresponding prohibition order—with amendment Section 132P (1) (b) (i)	7
21 Class 1 offences Schedule 1 heading, reference	8
22 Schedule 1, part 1.1, items 9 to 12	8
23 Schedule 1, part 1.1, items 14 and 15	8
24 Schedule 1, part 1.2, items 1 to 9	9
25 Schedule 2	10
Part 5 Crimes (Restorative Justice) Act 2004	
26 Section 68	23

	Page
27 Dictionary, note 2	24
28 Dictionary, note 2	24
Part 6 Crimes (Sentence Administration) Act 2005	
29 Section 173	25
30 Appointment of board members Section 174 (1) (c)	25
31 Section 174 (3)	25
32 Conditions of appointment of board members Section 175	25
33 Delegation by chief police officer Section 179A	26
Part 7 Crimes (Sentencing) Act 2005	
34 Pre-sentence reports—order New section 41 (1) (aa)	27
35 Section 41 (3)	27
36 New sections 43A and 43B	27
Part 8 Evidence (Miscellaneous Provisions) Act 1991	
37 Relationship to other provisions of this Act Section 4AN	30
38 Admissibility of recording of evidence of dangerously ill person Section 94 (1) (b) (i) and (ii)	30
Part 9 Magistrates Court Act 1930	
39 Definitions for pt 3.8 Section 117 (1), definition of <i>responsible director-general</i>	31
40 Additional information in infringement notices Section 122 (1) (d)	31
41 Section 122 (1) (i)	31
42 Section 122 (2) (c)	31
43 Section 123 heading	32
44 New section 123 (ca)	32
45 Section 124 heading	32

Contents

	Page
46 Section 124 (1)	32
47 Extension of time—guidelines	
Section 124A (1)	33
48 Section 125 heading	33
49 Section 125 (1) (a) (ii)	33
50 Section 125 (1) (a) (iii)	33
51 Section 125 (1) (b) (ii)	34
52 Application for withdrawal of infringement notice	
New section 126 (3) and (4)	34
53 Withdrawal of infringement notice	
Section 127 (4) (c)	35
54 Additional information in reminder notices	
Section 131 (1) (e)	35
55 Section 131 (1) (e) (iv)	36
56 Section 131 (1) (j)	36
57 Section 131 (3), definition of <i>the required time</i>	36
58 Section 131 (3), definition of <i>the required time</i> , paragraph (b)	36
59 Section 131 (3), definition of <i>the required time</i> , paragraph (c) (ii)	37
60 Application for infringement notice management plan or addition to plan—decision	
Section 131AB (4)	37
61 Section 131AC heading	37
62 Section 131AC etc	37
63 Procedure if liability disputed	
Section 134 (4)	38
64 New division 3.8.4A	38
65 Section 134A	41
66 Dictionary, note 2	42
67 Dictionary, new definitions	42
68 Dictionary, definition of <i>responsible director-general</i>	43
69 Dictionary, new definition of <i>reviewable infringement decision</i>	43
Part 10	
Mental Health Act 2015	
70 Sections 38 and 39	44

Contents

		Page
71	Removal order to conduct assessment	
	Section 43 (1) (a)	44
72	Section 43 (1) (b)	44
73	Disclosures to registered affected people	
	Section 134 (2) (d)	44
74	New section 175A	45
75	Review of detention under court order	
	Section 180 (3) (f)	45
76	Section 180 (4)	45
77	Section 181	46
78	Review of conditions of release	
	Section 182 (1) to (3), except note	47
79	Section 182 (4)	47
80	Notice of hearing	
	Section 188 (3) (f)	48
81	Powers of entry and apprehension	
	New section 263 (1) (ja)	48
82	Powers of search and seizure	
	New section 264 (1) (oa)	48
83	Dictionary, new definition of <i>conditional release order</i>	48
84	New chapter 21	49
Part 11	Victims of Crime Act 1994	
85	Section 29A and note	52

2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Crimes Legislation Amendment Bill 2025 (No 2)

A Bill for

An Act to amend legislation about crimes, 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 *Crimes Legislation Amendment Act 2025 (No 2)*.

4 **2 Commencement**

5 (1) This Act (other than section 17) commences on the 14th day after its
6 notification day.

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

9 (2) Section 17 commences 3 months after this Act's notification day.

10 **3 Legislation amended**

11 This Act amends the following legislation:

- 12 • [Confiscation of Criminal Assets Act 2003](#)
- 13 • [Corrections Management Act 2007](#)
- 14 • [Crimes \(Child Sex Offenders\) Act 2005](#)
- 15 • [Crimes \(Restorative Justice\) Act 2004](#)
- 16 • [Crimes \(Sentence Administration\) Act 2005](#)
- 17 • [Crimes \(Sentencing\) Act 2005](#)
- 18 • [Evidence \(Miscellaneous Provisions\) Act 1991](#)
- 19 • [Magistrates Court Act 1930](#)
- 20 • [Mental Health Act 2015](#)
- 21 • [Victims of Crime Act 1994](#).

22 **4 Legislation repealed**

23 The [Crimes \(Sentence Administration\) \(Sentence Administration](#)
24 [Board\) Appointment 2024 \(No 2\)](#) (DI2024-266) is repealed.

1 **Part 2** **Confiscation of Criminal Assets**
2 **Act 2003**

3 **5** **Review of unexplained wealth provisions**
4 **Section 258A (1) (a)**

5 *omit*
6 3 August 2025
7 *substitute*
8 3 August 2027

9 **6** **Section 258A (1) (b)**

10 *omit*
11 3 August 2026
12 *substitute*
13 3 August 2028

14 **7** **Section 258A (2)**

15 *omit*
16 3 August 2027
17 *substitute*
18 3 August 2029

1 **Part 3** **Corrections Management**
2 **Act 2007**

3 **8 Exclusions from notified corrections policies and**
4 **operating procedures**
5 **Section 15 (2) (b) (v) and (vi)**

6 *substitute*

7 (v) a commissioner exercising functions under the *Human*
8 *Rights Commission Act 2005*;

9 **9 Access to correctional centres**
10 **Section 56A**

11 *omit*

12 The human rights commissioner

13 *substitute*

14 A commissioner exercising functions under the *Human Rights*
15 *Commission Act 2005*

16 **10 Dictionary, definition of *accredited person*,**
17 **paragraphs (e) and (f)**

18 *substitute*

19 (e) a commissioner exercising functions under the *Human Rights*
20 *Commission Act 2005*;

21 **11 Dictionary, definition of *protected mail*,**
22 **paragraphs (d) and (e)**

23 *substitute*

24 (d) a commissioner exercising functions under the *Human Rights*
25 *Commission Act 2005*;

1Part 4

2Crimes (Child Sex Offenders)

3Act 2005

312

4Registrable offender—exceptions

5Section 9 (1) (c), note

6

7

8

9

10

11

12

13

14

15

16

17

18

19

substitute

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- Note
- The offence mentioned in—
- sch 2, pt 2.1, item 3 is against the [Crimes Act 1900](#), s 61 (1) (Acts of indecency with young people) for an act of indecency on, or in the presence of, a person under 10 years old
 - sch 2, pt 2.1, item 4 is against the [Crimes Act 1900](#), s 61 (3) (Acts of indecency with young people) for an act of indecency on, or in the presence of, a person under 16 years old
 - sch 2, pt 2.1, item 10 is against the [Crimes Act 1900](#), s 65 (1) (Possessing child exploitation material).

1513

16Section 9 (2)

16

omit

17

item 15

18

substitute

19

item 16

- 1 **14** **What is a *registrable offence*?**
2 **New section 10 (4)**
- 3 *insert*
- 4 (4) A reference in this Act to a ***class 1 offence*** or ***class 2 offence*** includes
5 a reference to a previous form of the offence, despite it having been
6 amended, or repealed and remade, if it is the same in substance as the
7 class 1 offence or class 2 offence.
- 8 *Note 1* See also the [Legislation Act](#), s 102 (References to laws include references
9 to laws as in force from time to time).
- 10 *Note 2* For a territory law, see also the [Legislation Act](#), s 96 (Relocated
11 provisions), s 147 (Changes of drafting practice not to affect meaning)
12 and dict, pt 1, def ***amend***.
- 13 **15** **Right to privacy when being photographed**
14 **Section 79 (1) (b)**
- 15 *before*
16 by a person
17 *insert*
18 as far as practicable,
- 19 **16** **Section 79 (3)**
- 20 *after*
21 must
22 *insert*
23 , as far as practicable,

1 **17** **What is *child-related employment*?**
2 **Section 124 (1) (t)**

3 *omit*
4 , provided by Legal Aid ACT

5 **18** **Definitions—ch 5A**
6 **Section 132A, definition of *application***

7 *omit*
8 protection
9 *substitute*
10 prohibition

11 **19** **Registration of corresponding prohibition order—no**
12 **amendment**
13 **Section 132N (1) (b)**

14 *omit*
15 protection
16 *substitute*
17 prohibition

18 **20** **Registration of corresponding prohibition order—with**
19 **amendment**
20 **Section 132P (1) (b) (i)**

21 *omit*
22 protection
23 *substitute*
24 prohibition

21 Class 1 offences
Schedule 1 heading, reference

substitute

(see s 10 (2) and (4))

22 Schedule 1, part 1.1, items 9 to 12

substitute

9	<i>Crimes Act 1900</i> , section 55 (1)	sexual intercourse with person under 10 years old	
10	<i>Crimes Act 1900</i> , section 55 (3)	sexual intercourse with person under 16 years old	
11	<i>Crimes Act 1900</i> , section 55A (1)	sexual intercourse with young person at least 16 years old under special care	
12	<i>Crimes Act 1900</i> , section 56 (1)	persistent sexual abuse of child under 16 years old, or young person at least 16 years old under special care	

23 Schedule 1, part 1.1, items 14 and 15

substitute

14	<i>Crimes Act 1900</i> , section 62 (1)	incest and similar offences committed in relation to person under 10 years old	
15	<i>Crimes Act 1900</i> , section 62 (2)	incest and similar offences committed in relation to person under 16 years old	

1 **24 Schedule 1, part 1.2, items 1 to 9**

2 *substitute*

1	Commonwealth Criminal Code , section 270.5 (1) and section 270.8 (1) (a)	cause person under 18 years old to enter into or remain in servitude	the service provided in servitude is a sexual service (as defined in the Commonwealth Criminal Code , dictionary)
2	Commonwealth Criminal Code , section 270.5 (2) and section 270.8 (1) (a)	conduct business involving servitude of person under 18 years old	the service provided in servitude is a sexual service (as defined in the Commonwealth Criminal Code , dictionary)
3	Commonwealth Criminal Code , section 272.8 (1)	sexual intercourse with child under 16 years old outside Australia	
4	Commonwealth Criminal Code , section 272.8 (2)	cause child under 16 years old to engage in sexual intercourse in presence of defendant outside Australia	
5	Commonwealth Criminal Code , section 272.10	offence against Commonwealth Criminal Code , section 272.8 or section 272.9, and 1 or more aggravating circumstances in section 272.10 (1) (b) apply	
6	Commonwealth Criminal Code , section 272.11	persistent sexual abuse of child under 16 years old outside Australia	

Part 4**Crimes (Child Sex Offenders) Act 2005****Section 25**

7	Commonwealth Criminal Code , section 272.12 (1)	sexual intercourse with young person at least 16 years old but under 18 years old outside Australia by defendant in position of trust or authority	
8	Commonwealth Criminal Code , section 272.12 (2)	cause young person at least 16 years old but under 18 years old to engage in sexual intercourse in presence of defendant outside Australia, defendant in position of trust or authority	

25 Schedule 2*substitute***Schedule 2 Class 2 offences**

(see s 10 (3) and (4))

Part 2.1 Offences against ACT legislation

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
1	Crimes Act 1900 , section 58	act of indecency in the second degree	(a) the other person (as mentioned in that section) is a child; or (b) the third person (as mentioned in that section) is a child

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
2	<i>Crimes Act 1900</i> , section 59	act of indecency in the third degree	(a) the other person (as mentioned in that section) is a child; or (b) the third person (as mentioned in that section) is a child
3	<i>Crimes Act 1900</i> , section 61 (1)	act of indecency on, or in presence of, person under 10 years old	
4	<i>Crimes Act 1900</i> , section 61 (3)	act of indecency on, or in presence of, person under 16 years old	
5	<i>Crimes Act 1900</i> , section 61A (1)	act of indecency on, or in presence of, young person at least 16 years old under special care	
6	<i>Crimes Act 1900</i> , section 63	abduction with intent to engage in sexual intercourse	(a) the other person (as mentioned in that section) or the third person (as mentioned in that section) is a child; and (b) the person committed the abduction in the course of, or immediately after, the commission or attempted commission by the person (or an accomplice of the person) of a class 1 or class 2 offence against the child or the third person

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
7	<i>Crimes Act 1900</i> , section 64 (1)	use child under 12 years old for production of child exploitation material etc	
8	<i>Crimes Act 1900</i> , section 64 (3)	use child 12 years old or older for production of child exploitation material etc	
9	<i>Crimes Act 1900</i> , section 64A (1)	produce, publish, offer or sell child exploitation material	
10	<i>Crimes Act 1900</i> , section 65 (1)	possess child exploitation material	
11	<i>Crimes Act 1900</i> , section 66 (1)	groom or deprave young person under 16 years old	
12	<i>Crimes Act 1900</i> , section 66 (3)	send or make available pornographic material to young person under 16 years old	
13	<i>Sex Work Act 1992</i> , section 19 (2)	accost child for commercial sexual services	
14	<i>Sex Work Act 1992</i> , section 20 (1)	cause child under 12 years old to provide commercial sexual services	
15	<i>Sex Work Act 1992</i> , section 20 (3)	cause child 12 years old or older to provide commercial sexual services	

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
16	Sex Work Act 1992 , section 21 (1)	receive proceeds of commercial sexual services by child	
17	an offence mentioned in items 1 to 16 to which Crimes Act 1900 , section 72AA applies	aggravated offence— involving family violence	

1 Part 2.2 Offences against other 2 legislation

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
1	Commonwealth Criminal Code , section 270.7 and section 270.8 (1) (a)	deceptive recruiting for person under 18 years old to provide labour or services	the service to be provided is a sexual service (as defined in the Commonwealth Criminal Code , dictionary)
2	Commonwealth Criminal Code , section 271.4 (1)	overseas trafficking person under 18 years old, entry into Australia	the first person (as mentioned in the subsection) intends or is reckless as to whether the other person (as mentioned in the subsection) will be used to provide sexual services or will be otherwise exploited
3	Commonwealth Criminal Code , section 271.4 (2)	overseas trafficking person under 18 years old, exit from Australia	the first person (as mentioned in the subsection) intends or is reckless as to whether the other person (as mentioned in the subsection) will be used to provide sexual services or will be otherwise exploited

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
4	Commonwealth Criminal Code , section 271.7	domestic trafficking person under 18 years old, within Australia	the first person (as mentioned in the subsection) intends or is reckless as to whether the other person (as mentioned in the subsection) will be used to provide sexual services or will be otherwise exploited
5	Commonwealth Criminal Code , section 272.9 (1)	sexual activity (other than sexual intercourse) with child under 16 years old outside Australia	
6	Commonwealth Criminal Code , section 272.9 (2)	cause child under 16 years old to engage in sexual activity (other than sexual intercourse) in presence of defendant outside Australia	
7	Commonwealth Criminal Code , section 272.13 (1)	sexual activity (other than sexual intercourse) with young person at least 16 years old but under 18 years old outside Australia, defendant in position of trust or authority	

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
8	Commonwealth Criminal Code , section 272.13 (2)	cause young person at least 16 years old but under 18 years old to engage in sexual activity (other than sexual intercourse) in presence of defendant outside Australia, defendant in position of trust or authority	
9	Commonwealth Criminal Code , section 272.14 (1)	procure child under 16 years old to engage in sexual activity outside Australia	
10	Commonwealth Criminal Code , section 272.15 (1)	groom child under 16 years old to engage in sexual activity outside Australia	
11	Commonwealth Criminal Code , section 272.15A (1)	groom other person to make it easier to procure child under 16 years old to engage in sexual activity outside Australia	
12	Commonwealth Criminal Code , section 272.20 (1)	prepare or plan offence against Commonwealth Criminal Code , section 272.8, 272.9, 272.10, 272.11 or 272.18	
13	Commonwealth Criminal Code , section 272.20 (2)	prepare or plan offence against Commonwealth Criminal Code , section 272.12 or section 272.13	

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
14	Commonwealth Criminal Code , section 273.6 (1)	possess, control, produce, distribute or obtain child abuse material outside Australia	
15	Commonwealth Criminal Code , section 273.7 (1)	commit offence against Commonwealth Criminal Code , section 273.6 on 3 or more occasions, and involving 2 or more people	
16	Commonwealth Criminal Code , section 273A.1	possession of child-like sex dolls etc	
17	Commonwealth Criminal Code , section 471.19 (1)	use postal or similar service for child abuse material	
18	Commonwealth Criminal Code , section 471.19 (2)	request another person use postal or similar service for child abuse material	
19	Commonwealth Criminal Code , section 471.20 (1)	possess, control, produce, supply or obtain child abuse material for use through postal or similar service	
20	Commonwealth Criminal Code , section 471.22 (1)	commit offence against Commonwealth Criminal Code , section 471.19 or section 471.20 on 3 or more occasions, and involving 2 or more people	

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
21	Commonwealth Criminal Code , section 471.24 (1)	use postal or similar service to procure person under 16 years old to engage in sexual activity with defendant at least 18 years old	
22	Commonwealth Criminal Code , section 471.24 (2)	use postal or similar service to procure person under 16 years old to engage in sexual activity with other person at least 18 years old	
23	Commonwealth Criminal Code , section 471.24 (3)	use postal or similar service to procure person under 16 years old to engage in sexual activity with other person under 18 years old	
24	Commonwealth Criminal Code , section 471.25 (1)	use postal or similar service to groom person under 16 years old to engage in sexual activity with defendant at least 18 years old	
25	Commonwealth Criminal Code , section 471.25 (2)	use postal or similar service to groom person under 16 years old to engage in sexual activity with other person at least 18 years old	

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
26	Commonwealth Criminal Code , section 471.25 (3)	use postal or similar service to groom person under 16 years old to engage in sexual activity with other person under 18 years old	
27	Commonwealth Criminal Code , section 471.25A (1)	use postal or similar service to groom another person to make it easier to procure child under 16 years old to engage in sexual activity with defendant at least 18 years old	
28	Commonwealth Criminal Code , section 471.25A (2)	use postal or similar service to groom another person to make it easier to procure child under 16 years old to engage in sexual activity with other person at least 18 years old	
29	Commonwealth Criminal Code , section 471.25A (3)	use postal or similar service to groom another person to make it easier to procure child under 16 years old to engage in sexual activity with other person under 18 years old	

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
30	Commonwealth Criminal Code , section 471.26 (1)	use postal or similar service to send indecent material to person under 16 years old, defendant at least 18 years old	
31	Commonwealth Criminal Code , section 474.22 (1)	use carriage service for child abuse material	
32	Commonwealth Criminal Code , section 474.22A (1)	possess or control child abuse material obtained or accessed using carriage service	
33	Commonwealth Criminal Code , section 474.23 (1)	possess, control, produce, supply or obtain child abuse material for use through carriage service	
34	Commonwealth Criminal Code , section 474.23A (1)	conduct for the purposes of electronic service used for child abuse material	
35	Commonwealth Criminal Code , section 474.24A (1)	commit offence against Commonwealth Criminal Code , section 474.22, section 474.22A or section 474.23 on 3 or more occasions, and involving 2 or more people	

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
36	Commonwealth Criminal Code , section 474.25A (1)	use carriage service to engage in sexual activity with child under 16 years old, defendant at least 18 years old	
37	Commonwealth Criminal Code , section 474.25A (2)	use carriage service to cause child under 16 years old to engage in sexual activity with other person at least 18 years old	
38	Commonwealth Criminal Code , section 474.25B (1)	commit offence against Commonwealth Criminal Code , section 474.25A (1) or section 474.25A (2) involving child under 16 years old, and 1 or more aggravating circumstances in section 474.25B (1) (b) apply	
39	Commonwealth Criminal Code , section 474.25C	use carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, child under 16 years old, defendant at least 18 years old	
40	Commonwealth Criminal Code , section 474.26 (1)	use carriage service to procure person under 16 years old to engage in sexual activity, defendant at least 18 years old	

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
41	Commonwealth Criminal Code , section 474.26 (2)	use carriage service to procure person under 16 years old to engage in sexual activity with other person at least 18 years old	
42	Commonwealth Criminal Code , section 474.26 (3)	use carriage service to procure person under 16 years old to engage in sexual activity with other person under 18 years old	
43	Commonwealth Criminal Code , section 474.27 (1)	use carriage service to groom person under 16 years old, defendant at least 18 years old	
44	Commonwealth Criminal Code , section 474.27 (2)	use carriage service to groom person under 16 years old to engage in sexual activity with other person at least 18 years old	
45	Commonwealth Criminal Code , section 474.27 (3)	use carriage service to groom person under 16 years old to engage in sexual activity with other person under 18 years old	
46	Commonwealth Criminal Code , section 474.27AA (1)	use carriage service to groom another person to make it easier to procure child under 16 years old to engage in sexual activity, defendant at least 18 years old	

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
47	Commonwealth Criminal Code , section 474.27AA (2)	use carriage service to groom another person to make it easier to procure child under 16 years old to engage in sexual activity with other person at least 18 years old	
48	Commonwealth Criminal Code , section 474.27AA (3)	use carriage service to groom another person to make it easier to procure child under 16 years old to engage in sexual activity with other person under 18 years old	
49	Commonwealth Criminal Code , section 474.27A (1)	use carriage service to transmit indecent communication to person under 16 years old, defendant at least 18 years old	
50	Customs Act 1901 (Cwlth), section 233BAB (5)	import tier 2 goods	the tier 2 goods are items of child abuse material (see s 233BAB (1) (h), (4) and (4A))
51	Customs Act 1901 (Cwlth), section 233BAB (6)	export tier 2 goods	the tier 2 goods are items of child abuse material (see s 233BAB (1) (h), (4) and (4A))
52	any offence under a law of a foreign jurisdiction that, if it had been committed in the ACT, would have been a class 2 offence		

substitute

Within 20 working days after the end of a financial year, the director-general must report to each referring entity on—

- (a) the number of offences the entity referred for restorative justice in the year; and
- (b) the number of eligible victims or eligible parents for offences the entity referred for restorative justice in the year; and
- (c) the number of eligible offenders for offences the entity referred for restorative justice in the year; and
- (d) the number of restorative justice conferences (other than discontinued conferences) conducted in the year for offences the entity referred for restorative justice.

The director-general may, at any time, report to a referring entity on any of the following in relation to an offence the entity referred for restorative justice:

- (a) the director-general was not satisfied that a victim or parent for the offence was eligible;
- (b) the director-general was not satisfied that the offender for the offence was eligible;
- (c) the director-general decided that restorative justice was not suitable for the offence.

1 **27 Dictionary, note 2**

2 *insert*

- 3 • financial year
4 • working day

5 **28 Dictionary, note 2**

6 *omit*

- 7 • quarter

1 **Part 6** **Crimes (Sentence**
2 **Administration) Act 2005**

3 **29 Section 173**

4 *substitute*

5 **173 Members of board**

6 The board consists of the following members:

- 7 (a) the members appointed under section 174;
8 (b) the chief police officer.

9 **30 Appointment of board members**
10 **Section 174 (1) (c)**

11 *omit*

12 **31 Section 174 (3)**

13 *omit*

14 **32 Conditions of appointment of board members**
15 **Section 175**

16 *omit*

17 determination of

18 *substitute*

19 determination under

1	33	Delegation by chief police officer
2		Section 179A
3		<i>omit</i>
4		commander
5		<i>substitute</i>
6		superintendent

Part 7 Crimes (Sentencing) Act 2005

34 Pre-sentence reports—order New section 41 (1) (aa)

before paragraph (a), insert

(aa) an offender indicates to the Magistrates Court an intention to plead guilty to an offence in a proceeding before the court; or

35 Section 41 (3)

omit

subsection (1) (a) or (c)

substitute

subsection (1) (aa), (a) or (c)

36 New sections 43A and 43B

insert

43A Pre-sentence reports on indication of guilty plea generally inadmissible

- (1) This section applies to a pre-sentence report ordered in relation to an offender in the circumstances mentioned in section 41 (1) (aa).
- (2) The report is not admissible in a proceeding before a court unless—
- (a) the Magistrates Court finds the offender guilty of the offence in a proceeding before the court; or
 - (b) the Magistrates Court accepts the offender's guilty plea for the offence; or
 - (c) the defendant consents to the admission.

1 (3) If the director-general provides the report to the court under
2 section 41 (3) (c) and the report is not admissible under
3 subsection (2)—

4 (a) the court must refuse to admit the report; and

5 (b) the court that hears and decides the charge must not, unless all
6 parties to the proceeding agree, be constituted by a magistrate to
7 whom the report was provided.

8 **43B Pre-sentence reports on indication of guilty plea—**
9 **restriction on use etc**

10 (1) This section applies if the Magistrates Court—

11 (a) has ordered a pre-sentence report in relation to an offender in the
12 circumstances mentioned in section 41 (1) (aa); but

13 (b) has not—

14 (i) found the offender guilty of the offence in a proceeding
15 before the court; or

16 (ii) accepted the offender's guilty plea for the offence.

17 (2) A person commits an offence if the person publishes sensitive
18 information.

19 Maximum penalty: 50 penalty units, imprisonment for 6 months or
20 both.

21 (3) Subsection (2) does not apply if publishing the information was
22 necessary on reasonable grounds for the preparation of the report,
23 providing the report to a person under section 41 (3) (c), carrying out
24 a court registry function or giving the information to the defendant or
25 their legal representative.

26 *Note* The defendant has an evidential burden in relation to the matters
27 mentioned in s (3) (see [Criminal Code](#), s 58).

- 1 (4) It is a defence to a prosecution for an offence against subsection (2)
2 if the person proves that the defendant consented to the publication of
3 the information before it was published.

4 *Note* The defendant has a legal burden in relation to the matters mentioned in
5 s (4) (see [Criminal Code](#), s 59).

- 6 (5) Sensitive information must not be used in connection with the
7 investigation or prosecution of an offence.

- 8 (6) In this section:

9 ***publish*** means communicate or distribute information in a way or to
10 an extent that makes it available to, or likely to come to the notice of,
11 the public or a section of the public.

12 ***sensitive information***, about a defendant in a proceeding, means
13 information about any of the following:

- 14 (a) the defendant having indicated to the court an intention to plead
15 guilty in the proceeding;
16 (b) information provided to an assessor for the purpose of the
17 assessor preparing a pre-sentence report in relation to the
18 defendant in the proceeding;
19 (c) the pre-sentence report in relation to the defendant in the
20 proceeding.

1 **Part 8** **Evidence (Miscellaneous**
2 **Provisions) Act 1991**

3 **37** **Relationship to other provisions of this Act**
4 **Section 4AN**

5 *omit*

6 part

7 *substitute*

8 chapter

9 **38** **Admissibility of recording of evidence of dangerously ill**
10 **person**
11 **Section 94 (1) (b) (i) and (ii)**

12 *substitute*

13 (i) reasonable notice of the time and place fixed for the taking
14 of the evidence was given in accordance with section 93
15 (1); and

16 (ii) it is in the interests of the administration of justice to admit
17 the audio or audiovisual recording of the evidence.

18 **Examples—par (ii)**

19 1 the dangerously ill person is unable to attend the proceeding
20 because of that, or another, illness

21 2 the dangerously ill person is dead

Part 9 Magistrates Court Act 1930

39 Definitions for pt 3.8 **Section 117 (1), definition of *responsible director-general***

omit

40 Additional information in infringement notices **Section 122 (1) (d)**

omit

do a thing

substitute

take an action

41 Section 122 (1) (i)

after

penalty,

insert

apply for an infringement notice management plan or to add the
infringement notice penalty to an existing plan,

42 Section 122 (2) (c)

omit

do any of the following

substitute

take any of the following actions

Section 43

- 1 **43** **Section 123 heading**
- 2 *substitute*
- 3 **123** **Infringement notices—time to pay penalty etc**
- 4 **44** **New section 123 (ca)**
- 5 *insert*
- 6 (ca) if the person applies to the administering authority within the 28
- 7 days for withdrawal of the infringement notice for the offence
- 8 and the application is refused—is payable within 7 days after the
- 9 day the person is told of the refusal or 28 days after the day the
- 10 notice was served, whichever is later; or
- 11 **45** **Section 124 heading**
- 12 *substitute*
- 13 **124** **Infringement notices—extension of time to pay penalty**
- 14 **etc**
- 15 **46** **Section 124 (1)**
- 16 *omit*
- 17 for an extension of time to do any of the following
- 18 *substitute*
- 19 to the administering authority for an extension of time to take any of
- 20 the following actions

1	47	Extension of time—guidelines
2		Section 124A (1)
3		<i>omit</i>
4		doing something
5		<i>substitute</i>
6		taking an action
7	48	Section 125 heading
8		<i>substitute</i>
9	125	Infringement notices—effect of payment of penalty etc
10	49	Section 125 (1) (a) (ii)
11		<i>omit</i>
12		things happens
13		<i>substitute</i>
14		actions is taken
15	50	Section 125 (1) (a) (iii)
16		<i>omit</i>
17		thing happened
18		<i>substitute</i>
19		action is taken

51 Section 125 (1) (b) (ii)

2 *omit*
3 things happens
4 *substitute*
5 actions is taken

**52 Application for withdrawal of infringement notice
New section 126 (3) and (4)**

8 *insert*

- 9 (3) If the administering authority refuses to withdraw the notice, the
10 person must, within the required time after the day the person is told
11 of the refusal, take 1 or more of the following actions:
- 12 (a) pay the infringement notice penalty now payable for the offence;
- 13 (b) apply to the administering authority for—
- 14 (i) an infringement notice management plan; or
- 15 (ii) if the person has an infringement notice management
16 plan—the addition of the infringement notice penalty to
17 the plan; or
- 18 (iii) waiver of the infringement notice penalty;
- 19 (c) dispute liability for the offence;
- 20 (d) apply to the administering authority, in accordance with
21 section 124, for additional time to take an action mentioned in
22 paragraphs (a) to (c).

(4) In this section:

the required time, for a person to take an action mentioned in subsection (3), means—

- (a) 28 days after the date of service of the infringement notice or reminder notice; or
- (b) any additional time allowed to take the action; or
- (c) if an application for additional time was refused, the later of the following:
 - (i) 7 days after the day the person is given notice of the refusal;
 - (ii) 28 days after the date of service of the infringement notice or reminder notice.

53 Withdrawal of infringement notice
Section 127 (4) (c)

omit

(Effect of payment of infringement notice penalty)

substitute

(Infringement notices—effect of payment of penalty etc)

54 Additional information in reminder notices
Section 131 (1) (e)

omit

do 1 or more of the following things

substitute

take 1 or more of the following actions

- 1 **55 Section 131 (1) (e) (iv)**
- 2 *omit*
- 3 for additional time to do the thing
- 4 *substitute*
- 5 , in accordance with section 124, for additional time to take an action
- 6 mentioned in subparagraphs (i) to (iii)
- 7 **56 Section 131 (1) (j)**
- 8 *after*
- 9 penalty,
- 10 *insert*
- 11 apply for an infringement notice management plan or to add the
- 12 infringement notice penalty to an existing plan,
- 13 **57 Section 131 (3), definition of *the required time***
- 14 *omit*
- 15 do something
- 16 *substitute*
- 17 take an action
- 18 **58 Section 131 (3), definition of *the required time*,**
- 19 **paragraph (b)**
- 20 *omit*
- 21 do the thing
- 22 *substitute*
- 23 take the action

1	59	Section 131 (3), definition of <i>the required time</i>,
2		paragraph (c) (ii)
3		<i>substitute</i>
4		(ii) 28 days after the day the reminder notice for the offence
5		was served.
6	60	Application for infringement notice management plan or
7		addition to plan—decision
8		Section 131AB (4)
9		<i>omit</i>
10		responsible
11	61	Section 131AC heading
12		<i>substitute</i>
13	131AC	Approved community work or social development
14		program—director-general’s agreement
15	62	Section 131AC etc
16		<i>omit</i>
17		responsible
18		<i>in</i>
19		• section 131AC
20		• section 131AD (1)
21		• section 131AF (4)

63 **Procedure if liability disputed**
Section 134 (4)

omit

(Effect of payment of infringement notice penalty)

substitute

(Infringement notices—effect of payment of penalty etc)

64 **New division 3.8.4A**

after the note, insert

Division 3.8.4A Notification and review of
infringement notice decisions

134AA Definitions—div 3.8.4A

In this division:

internally reviewable infringement decision means a decision under this part prescribed by regulation.

internal reviewer—see section 134AF.

internal review notice—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

reviewable infringement decision—see section 134AB.

134AB Meaning of reviewable infringement decision etc—
div 3.8.4A

(1) For this division, a *reviewable infringement decision* is—

(a) an internal reviewer's decision in relation to an internally reviewable infringement decision; or

(b) an administering authority's decision (other than an internally reviewable infringement decision) prescribed by regulation.

- 1 (2) For the *ACT Civil and Administrative Tribunal Act 2008*, section 9
2 (Applications under authorising laws), this Act is taken to be a single
3 authorising law.

4 *Note* A reference to an Act includes a reference to any regulation or statutory
5 instrument made or in force under the Act (see *Legislation Act*, s 104).

6 **134AC Internal review notices**

7 If an administering authority makes an internally reviewable
8 infringement decision, the authority must give an internal review
9 notice to each person affected by the decision.

10 *Note* The administering authority must also take reasonable steps to give an
11 internal review notice to any other person whose interests are affected by
12 the decision (see *ACT Civil and Administrative Tribunal Act 2008*,
13 s 67B).

14 **134AD Applications for internal review**

- 15 (1) A person whose interests are affected by an internally reviewable
16 infringement decision may apply, in writing, to the administering
17 authority for review of the decision.

- 18 (2) The application must—

19 (a) state the applicant's name and address; and

20 (b) set out the applicant's reasons for making the application.

- 21 (3) The application must be given to the administering authority within—

22 (a) 28 days after the day the applicant is given the internal review
23 notice for the decision; or

24 (b) any longer period allowed by the administering authority before
25 or after the end of the 28-day period.

26 *Note* Section 134AI provides for ACAT review of reviewable infringement
27 decisions that are not internally reviewable infringement decisions.

1 **134AE Review applications do not stay internally reviewable**
2 **infringement decisions**

3 The making of an application for review of an internally reviewable
4 infringement decision does not affect the operation of the decision.

5 **134AF Internal reviewer**

6 The administering authority must arrange for a person (the *internal*
7 *reviewer*) who did not make the internally reviewable infringement
8 decision to review the decision.

9 **134AG Review by internal reviewer**

- 10 (1) The internal reviewer for an internally reviewable infringement
11 decision must review the decision.
- 12 (2) The review must be completed within 28 days (the *28-day period*)
13 after the day the administering authority receives the application for
14 review of the internally reviewable infringement decision.
- 15 (3) The internal reviewer must—
16 (a) confirm the decision; or
17 (b) vary the decision; or
18 (c) set aside the decision and substitute the reviewer’s own decision.
- 19 (4) If the decision is not varied or set aside within the 28-day period, the
20 decision is taken to have been confirmed by the internal reviewer.

21 **134AH Reviewable infringement decision notices**

22 If an internal reviewer or administering authority makes a reviewable
23 infringement decision, the reviewer or authority must give a
24 reviewable decision notice to each person affected by the decision.

25 *Note* The internal reviewer or administering authority must also take
26 reasonable steps to give a reviewable decision notice to any other person
27 whose interests are affected by the decision (see *ACT Civil and*
28 *Administrative Tribunal Act 2008*, s 67A).

1 **134AI Applications for review**

2 The following may apply to the ACAT for review of a reviewable
3 infringement decision:

4 (a) for an internal reviewer's decision in relation to an internally
5 reviewable infringement decision—a person to whom an
6 internal review notice is required to be given in relation to the
7 decision;

8 (b) any other person whose interests are affected by the decision.

9 **65 Section 134A**

10 *substitute*

11 **134A Authorised people for infringement notice offences**

12 (1) The administering authority for an infringement notice offence may
13 appoint a person to be an authorised person in relation to the offence.

14 *Note* For laws about appointments, see the [Legislation Act](#), pt 19.3.

15 (2) An authorised person may exercise the functions of the administering
16 authority under this part in relation to the offence (other than
17 delegating a function).

18 (3) However, the administering authority may—

19 (a) in writing, limit the functions an authorised person may
20 exercise; and

21 (b) give an authorised person written directions about the exercise
22 of a function.

23 (4) If the administering authority gives an authorised person a written
24 direction about the exercise of a function, the person may only
25 exercise the function in accordance with the direction.

26 (5) A regulation may prescribe a person to be an authorised person for
27 the service of infringement notices or reminder notices.

- 1 (6) In this section:
- 2 *authorised person* means—
- 3 (a) for an infringement notice for an infringement notice offence—
- 4 (i) the administering authority; or
- 5 (ii) a person who is appointed under this section by the
- 6 administering authority as an authorised person in relation
- 7 to the offence; or
- 8 (iii) anyone else who, under a regulation, may serve an
- 9 infringement notice for the offence; or
- 10 (b) for a reminder notice for an infringement notice offence—
- 11 (i) the administering authority; or
- 12 (ii) a person who is appointed under this section by the
- 13 administering authority as an authorised person in relation
- 14 to the offence; or
- 15 (iii) anyone else who, under a regulation, may serve a reminder
- 16 notice for the offence.

17 **66 Dictionary, note 2**

18 *insert*

- 19 • reviewable decision notice

20 **67 Dictionary, new definitions**

21 *insert*

22 *internally reviewable infringement decision*, for division 3.8.4A

23 (Notification and review of infringement notice decisions)—see

24 section 134AA.

25 *internal reviewer*, for division 3.8.4A (Notification and review of

26 infringement notice decisions)—see section 134AF.

1 *internal review notice*, for division 3.8.4A (Notification and review
2 of infringement notice decisions)—see the *ACT Civil and*
3 *Administrative Tribunal Act 2008*, section 67B (1).

4 **68 Dictionary, definition of *responsible director-general***

5 *omit*

6 **69 Dictionary, new definition of *reviewable infringement***
7 ***decision***

8 *insert*

9 *reviewable infringement decision*, for division 3.8.4A (Notification
10 and review of infringement notice decisions)—see section 134AB.

1 **Part 10** **Mental Health Act 2015**

2 **70 Sections 38 and 39**

3 *omit*

4 section 37 (a), (b) or (c)

5 *substitute*

6 section 37 (1) (a), (b) or (c)

7 **71 Removal order to conduct assessment**
8 **Section 43 (1) (a)**

9 *omit*

10 section 37 (a), (b) or (c)

11 *substitute*

12 section 37 (1) (a), (b) or (c)

13 **72 Section 43 (1) (b)**

14 *omit*

15 section 37 (d) or (e)

16 *substitute*

17 section 37 (1) (d) or (e)

18 **73 Disclosures to registered affected people**
19 **Section 134 (2) (d)**

20 *after*

21 decision

22 *insert*

23 or order

74 New section 175A

in chapter 10, insert

175A Meaning of *conditional release order*—ch 10

In this chapter:

conditional release order—see section 180 (4).

**75 Review of detention under court order
Section 180 (3) (f)**

substitute

(f) any information the chief psychiatrist or director-general has given to the ACAT about the following:

(i) the treatment, care or support the person requires, including that the person be admitted to a particular approved mental health facility or approved community care facility;

(ii) the person's compliance with any orders or conditions in relation to treatment, care or support made under this Act.

76 Section 180 (4)

after

appropriate

insert

(a *conditional release order*)

77 Section 181*substitute***181 Chief psychiatrist notice to ACAT if person contravenes conditional release order**

(1) This section applies if—

- (a) a conditional release order is in force in relation to a person; and
- (b) the person contravenes a condition of the order; and
- (c) the chief psychiatrist is told, or otherwise becomes aware, of the contravention.

(2) The chief psychiatrist must tell the ACAT of the contravention, in writing, as soon as practicable after being told, or becoming aware, of the contravention.

181A Power to return person under conditional release order to approved facility

(1) This section applies if—

- (a) a conditional release order is in force in relation to a person; and
- (b) the order is subject to a condition that the person reside at a stated approved mental health facility or approved community care facility; and
- (c) the person is not present at the facility as required under the order.

(2) A police officer may apprehend the person and return the person to the approved mental health facility or approved community care facility stated in the order.

Note See s 263 (Powers of entry and apprehension) and s 264 (Powers of search and seizure).

- 1 (3) The approved mental health facility or approved community care
2 facility must tell the ACAT and chief psychiatrist, in writing, as soon
3 as practicable after the person is returned to the facility under
4 subsection (2).

5 **78 Review of conditions of release**
6 **Section 182 (1) to (3), except note**

7 *substitute*

- 8 (1) The ACAT must review each condition to which a person is subject
9 under a conditional release order—
10 (a) at least every 6 months while the order is in force; and
11 (b) within 72 hours after receiving notice of the person contravening
12 a condition of the order from—
13 (i) for a notice under section 181 (2)—the chief psychiatrist;
14 or
15 (ii) for a notice under section 181A (3)—the approved mental
16 health facility or approved community care facility; or
17 (iii) in any other case—a police officer or any other person.
18 (2) A review required under subsection (1) (b) may be conducted without
19 a hearing.

20 **79 Section 182 (4)**

21 *omit*

22 of an order of release for a person

23 *substitute*

24 of a person's conditional release order

Section 80

- 1 **80 Notice of hearing**
2 **Section 188 (3) (f)**
- 3 *omit*
4 section 182 (2)
5 *substitute*
6 section 182 (1) (b)
- 7 **81 Powers of entry and apprehension**
8 **New section 263 (1) (ja)**
- 9 *insert*
10 (ja) section 181A (Power to return person under conditional release
11 order to approved facility);
- 12 **82 Powers of search and seizure**
13 **New section 264 (1) (oa)**
- 14 *insert*
15 (oa) section 181A (Power to return person under conditional release
16 order to approved facility);
- 17 **83 Dictionary, new definition of *conditional release order***
- 18 *insert*
19 ***conditional release order***, for chapter 10 (Referrals by courts under
20 Crimes Act and Children and Young People Act)—see
21 section 180 (4).

84 New chapter 21*insert***Chapter 21 Transitional—Crimes
Legislation Amendment
Act 2025 (No 2)****305 Meaning of *commencement day*—ch 21**

In this chapter:

commencement day means the day the *Crimes Legislation Amendment Act 2025 (No 2)*, section 3 commences.**306 Contravention of conditional release order before
commencement day—chief psychiatrist notice to ACAT**

(1) This section applies if—

- (a) a person contravened a conditional release order in force immediately before the commencement day; and
- (b) the chief psychiatrist has not told the ACAT of the contravention.

(2) Section 181 (2) applies in relation to the contravention.

**307 Contravention of conditional release order before
commencement day—return to approved facility**

(1) This section applies if—

- (a) a conditional release order was in force immediately before the commencement day in relation to a person; and
- (b) the order was subject to a condition that the person reside at a stated approved mental health facility or approved community care facility; and

1 (c) the person is not present at the facility as required under the
2 order.

3 (2) Section 181A applies in relation to the contravention.

4 **308 Contravention of conditional release order before**
5 **commencement day—ACAT review**

6 (1) This section applies if—

7 (a) a person contravened a conditional release order in force
8 immediately before the commencement day; and

9 (b) the ACAT did not review, or did not make an order in relation
10 to, each condition of the person's conditional release order in
11 accordance with section 182 (2) as in force immediately before
12 the commencement day.

13 (2) Section 182 applies in relation to the contravention.

14 **309 ACAT order not made before commencement day—**
15 **review of conditions**

16 (1) This section applies if—

17 (a) a conditional release order was in force immediately before the
18 commencement day in relation to a person; and

19 (b) the ACAT was required to review—

20 (i) a condition of the order under section 182 (1) as in force
21 immediately before the commencement day; or

22 (ii) each condition of the order under section 182 (2) as in
23 force immediately before the commencement day; and

24 (c) the ACAT did not complete the review or make an order in
25 relation to the person.

26 (2) Section 182 applies in relation to the ACAT's review of the
27 conditions of the person's conditional release order.

1 **310 Expiry—ch 21**

2 This chapter expires 2 years after the commencement day.

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

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

2 **85** **Section 29A and note**

3 *substitute*

4 **29A** **Delegation by chief police officer**

5 The chief police officer may delegate a function under this Act to a
6 police officer or a staff member of the Australian Federal Police
7 whose functions include victim liaison.

8 *Note* For laws about delegations, see the [Legislation Act](#), pt 19.4.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 4 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.
