

Ms Chiaka Barry MLA
Chair
Standing Committee on Legal Affairs (Legislative Scrutiny Role)
By email: Scrutiny@parliament.act.gov.au

Our ref: PRO25/80

February 2026

Dear Ms Barry



I am writing in response to comments made by the Standing Committee on Legal Affairs (Legislative Scrutiny Role) in Scrutiny Report 14 about the Justice and Community Safety Legislation Amendment Bill 2025 (No 3). I thank the Committee for its consideration of the amendments in the Bill.

I provide the following responses in relation to the Committee's comments on:

- the categorisation of the Bill as a non-significant bill;
- the amendments to the *Major Events Act 2014*; and
- the amendments to the *Wills Act 1968*

Categorisation as a non-significant bill

The Committee noted that the Bill limits several human rights and questioned the characterisation of the Bill as not significant.

Significant bills are bills that have been assessed to have a significant engagement of human rights and require more detailed reasoning in relation to compatibility of with the *Human Rights Act 2004*.

The Cabinet Handbook provides that legislation will be classed as a significant bill where the Bill:

- is a new Act that regulates an area previously unregulated or repeals previous legislation.
- establishes a new criminal law scheme, including where the bill:
 - creates new offences applying to the general community or vulnerable groups;
 - restricts movement or association or authorises detention;
 - allows personal searches, or entry to residential premises; or
 - changes criminal processes to affect existing procedural rights.
- establishes a new civil law scheme, including where the bill:
 - imposes positive obligations, duties, prohibitions and sanctions on private individuals or all members of particular professions; or
 - affects existing fair trial, due process, or review rights.
- imposes a new regulatory scheme, including where the bill:
 - implements a ban or prohibition;

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- vests public officials with coercive powers to enter, search, seize, etc.; or
- requires a regulator to impose sanctions or determine rights or liabilities of private individuals with limited review rights.
- makes a change to long established legal position or common law rule, including where the bill:
 - departs from established legal position or common law principles;
 - affects Territory-Commonwealth relations; or
 - raises constitutional law issues.
- makes major changes that support or enhance rights protections.

The amendments in the Bill are of a minor and technical nature and do not establish a new criminal law scheme, civil law scheme or regulatory scheme. The Bill also does not make changes to long established legal positions or common law rules. While the amendments limit human rights, they do not make major changes that support or enhance rights protections.

Accordingly, the Government remains of the view that this Bill is appropriately categorised as a non-significant Bill. Despite the bill's categorisation as a non-significant bill, the Government has sought to provide detailed explanations of the human rights limitations to assist community members to understand the impacts of amendments.

Amendments to the Major Events Act 2014

The Committee noted that the right to privacy is potentially limited by the amendments to the Major Events Act. The Committee noted that the amendment in clause 34 to substitute 'major event venue' with 'event venue' in section 19(2) expands the scope of the scanning search, ordinary search and frisk search powers of police.

The Committee requested that I consider revising the explanatory statement to address this potential limitation on the right to privacy or provide an explanation for why it was not addressed in the explanatory statement.

The amendment does not expand or alter the scope of search powers under the Act for a major or important sporting event. This amendment was introduced to align the wording of section 19(2) with the linked offences set out in Division 3.3 of the Act (see section 16-18, 20,23 and 24) which refer to 'event venue'. This amendment seeks to address potential uncertainty that may arise between the requirements for searches and the related offences under the Act.

I **enclose** a Revised Explanatory Statement which contains an amended clause note 34 to clarify this point. The Government will present this to the Legislative Assembly.

Amendments to the Wills Act 1968

The Committee noted that the amendment to the *Wills Act 1968* inserts a new section 33 which allows the Legal Aid Commission to deposit wills made with their assistance with the public trustee and guardian and give them 'identifying information' about the will. The amendment also requires the Legal Aid Commission to keep records in wills they deposit.

The Committee requested that I consider revising the explanatory statement to address this potential limitation on the right to privacy or provide an explanation for why it was not addressed in the explanatory statement.

Thank you for drawing this issue to my attention. The **enclosed** Revised Explanatory Statement addresses the Committee's recommendation to include this potential limitation on the right to privacy.

I trust this information adequately addresses the Committee's comments. Thank you once again for the Committee's careful consideration of the Bill for the benefit of the Assembly and the public.

Sincerely

A handwritten signature in blue ink, appearing to read 'Tara Cheyne', with a stylized flourish extending to the right.

Tara Cheyne MLA
Attorney-General