

TASMANIA

**JUSTICE AND RELATED LEGISLATION
(MISCELLANEOUS AMENDMENTS) BILL 2018**

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SCHEDULE 1 – LEGISLATION REPEALED

**JUSTICE AND RELATED LEGISLATION
(MISCELLANEOUS AMENDMENTS) BILL 2018**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
27 September 2018

*(Brought in by the Minister for Justice, the Honourable Elise
Nicole Archer)*

A BILL FOR

An Act to amend the *Acts Interpretation Act 1931*, the *Bail Act 1994*, the *Classification (Publications, Films and Computer Games) Enforcement Act 1995*, the *Coroners Act 1995*, the *Court Security Act 2017*, the *Criminal Code Act 1924*, the *Criminal Law (Detention and Interrogation) Act 1995*, the *Criminal Procedure (Attendance of Witnesses) Act 1996*, the *Evidence Act 2001*, the *Forensic Procedures Act 2000*, the *Guardianship and Administration Act 1995*, the *Long Service Leave Act 1976*, the *Oaths Act 2001*, the *Registration to Work with Vulnerable People Act 2013*, the *Sentencing Act 1997*, the *Sentencing Amendment (Phasing Out of Suspended Sentences) Act 2017*, the *Trustee Companies Act 1953* and the *Water Management Act 1999* and to repeal the *Long Service Leave (Casual Wharf Employees) Act 1982*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 1

Part 1 – Preliminary

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Justice and Related Legislation (Miscellaneous Amendments) Act 2018*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 2 – Sentencing Amendment (Phasing Out of Suspended Sentences) Act 2017 amended s. 3

**PART 2 – SENTENCING AMENDMENT (PHASING
OUT OF SUSPENDED SENTENCES) ACT 2017
AMENDED**

3. Principal Act

In this Part, the *Sentencing Amendment (Phasing Out of Suspended Sentences) Act 2017** is referred to as the Principal Act.

4. Section 14 amended (Part 5A inserted)

Section 14 of the Principal Act is amended as follows:

- (a) by inserting after subsection (2) of new section 42AH the following subsection:

(2A) Despite subsection (2) and if –

- (a) the applicant and all appropriate persons referred to in paragraph (a), (b) or (c) of that subsection consent to it; or
- (b) the court considers it appropriate to do so in the circumstances –

*No. 51 of 2017

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 4 Part 2 – Sentencing Amendment (Phasing Out of Suspended Sentences) Act
2017 amended

the court to which the application is made may hear and determine the application at any time before the expiration of the 7-day period following service as required by that subsection or without such service having been effected.

(b) by inserting after subsection (2) of new section 42AI the following subsection:

(2A) Despite subsection (2) and if –

(a) the applicant and offender have consented to it, in writing; or

(b) the court considers it appropriate to do so in the circumstances –

the court to which the application is made may hear and determine the application at any time before the expiration of the 7-day period following service as required by that subsection or without such service having been effected.

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 3 – Sentencing Act 1997 Amended

s. 5

PART 3 – SENTENCING ACT 1997 AMENDED

5. Principal Act

In this Part, the *Sentencing Act 1997** is referred to as the Principal Act.

6. Section 27M amended (Contravention of order)

Section 27M of the Principal Act is amended by inserting after subsection (7) the following subsection:

- (8) Section 36A applies, with such adaptation and modification as necessary, to an offender performing community work as required by an order made under subsection (1)(c) as if that order were a community service order.

7. Section 82 amended (Court may order pre-sentence report)

Section 82 of the Principal Act is amended by inserting after subsection (1) the following subsections:

- (1A) If an offender pleads guilty to an indictable offence before a court of summary jurisdiction, the court, on committing the offender to the Supreme Court for sentencing, may order a pre-

*No. 59 of 1997

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 7

Part 3 – Sentencing Act 1997 Amended

sentence report to be prepared for consideration by the Supreme Court.

- (1B) On ordering a pre-sentence report, the court may require the report to be prepared by such person, body or organisation, or a person, body or organisation of a class, that the court considers appropriate.

Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018

Part 4 – Acts Interpretation Act 1931 Amended

s. 8

**PART 4 – ACTS INTERPRETATION ACT 1931
AMENDED**

8. Principal Act

In this Part, the *Acts Interpretation Act 1931** is referred to as the Principal Act.

9. Section 8B amended (Use of extrinsic material in interpretation)

Paragraph (e) of the definition of *extrinsic material* in section 8B(3) of the Principal Act is amended as follows:

- (a) by omitting “note” and substituting “note, clause note”;
- (b) by inserting “or otherwise made available” after “given”.

10. Section 30 amended (Effecting service by post)

Section 30 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “addressing, prepaying,” and substituting “addressing”;
- (b) by omitting from subsection (1) “letter,” and substituting “letter and paying for

*No. 59 of 1931

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 10

Part 4 – Acts Interpretation Act 1931 Amended

that postage (whether before or after the letter is posted)”;

- (c) by omitting from subsection (2) “addressing, prepaying,” and substituting “addressing”;
- (d) by omitting from subsection (2) “letter –” and substituting “letter and paying for that postage (whether before or after the letter is posted) –”.

PART 5 – BAIL ACT 1994 AMENDED

11. Principal Act

In this Part, the *Bail Act 1994** is referred to as the Principal Act.

12. Section 5 amended (Police bail)

Section 5 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “section 4 (3) of the *Criminal Law (Detention and Interrogation) Act 1995*,” and substituting “section 4(3), (5) or (6) of the *Criminal Law (Detention and Interrogation) Act 1995*,”;
- (b) by omitting from subsection (2) “section 4 (3) of the *Criminal Law (Detention and Interrogation) Act 1995* –” and substituting “section 4(3), (5) or (6) of the *Criminal Law (Detention and Interrogation) Act 1995* –”.

13. Section 23 amended (Application for bail or variation of conditions)

Section 23(3) of the Principal Act is amended by omitting “section 4 (3) of the *Criminal Law (Detention and Interrogation) Act 1995*” and

*No. 9 of 1994

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 13

Part 5 – Bail Act 1994 Amended

substituting “section 4(3), (5) or (6) of the
*Criminal Law (Detention and Interrogation) Act
1995*”.

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 6 – Classification (Publications, Films and Computer Games)
Enforcement Act 1995 Amended

s. 14

**PART 6 – CLASSIFICATION (PUBLICATIONS, FILMS
AND COMPUTER GAMES) ENFORCEMENT ACT 1995
AMENDED**

14. Principal Act

In this Part, the *Classification (Publications,
Films and Computer Games) Enforcement Act
1995** is referred to as the Principal Act.

**15. Section 77 amended (Forfeiture of child exploitation
material, &c.)**

Section 77 of the Principal Act is amended as
follows:

- (a) by inserting in subsection (2) “or any electronic medium on which the material, or data from which the material may be composed, is stored, or both the material and any such electronic medium,” after “the material”;
- (b) by omitting from subsection (7) “material or” twice occurring and substituting “material, electronic medium or other”.

*No. 105 of 1995

Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018

s. 16

Part 7 – Coroners Act 1995 Amended

PART 7 – CORONERS ACT 1995 AMENDED

16. Principal Act

In this Part, the *Coroners Act 1995** is referred to as the Principal Act.

17. Section 69 amended (Annual report)

Section 69 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Attorney-General” and substituting “Minister”;
- (b) by omitting from subsection (3) “Attorney-General” and substituting “Minister”.

*No. 73 of 1995

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 8 – Court Security Act 2017 Amended

s. 18

PART 8 – COURT SECURITY ACT 2017 AMENDED

18. Principal Act

In this Part, the *Court Security Act 2017** is referred to as the Principal Act.

19. Section 18A inserted

After section 18 of the Principal Act, the following section is inserted in Part 4:

18A. Taking into custody

If a court –

- (a) makes an order that remands a person in custody; or
- (b) makes an order that requires a person to be held or detained in custody or otherwise authorises such holding or detention of a person; or
- (c) sentences a person to a term of imprisonment or detention; or
- (d) declares a person to be a dangerous criminal under section 19 of the *Sentencing Act 1997* –

*No. 34 of 2017

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 19

Part 8 – Court Security Act 2017 Amended

a security officer, subject to an order or direction of the court to the contrary, may take the person into custody.

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 9 – Criminal Code Act 1924 Amended

s. 20

PART 9 – CRIMINAL CODE ACT 1924 AMENDED

20. Principal Act

In this Part, the *Criminal Code Act 1924** is referred to as the Principal Act.

21. Schedule 1 amended (*Criminal Code*)

Schedule 1 to the Principal Act is amended as follows:

- (a) by inserting in section 130F(2) “or any electronic medium on which the material, or data from which the material may be composed, is stored, or both the material and any such electronic medium,” after “the material”;
- (b) by omitting from section 130F(7) “material or” twice occurring and substituting “material, electronic medium or other”;
- (c) by omitting from section 301(5)(a) “that person” and substituting “the arrested person”;
- (d) by omitting from section 301(5)(a) “an officer in charge of a police station;” and substituting “a custody officer;”;

*No. 69 of 1924

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 21

Part 9 – Criminal Code Act 1924 Amended

- (e) by omitting paragraph (b) from section 301(5) and substituting the following paragraph:
 - (b) produce or cause to be produced, or provide or cause to be provided, to the arrested person the warrant or a certified copy of it.
- (f) by omitting subsection (6) from section 301 and substituting the following subsection:
 - (6) If an arrested person is delivered into the custody of a custody officer under subsection (5), it is lawful for the custody officer to detain the arrested person until the warrant or a certified copy of the warrant is produced or otherwise provided to the arrested person.
- (g) by omitting from section 301(7) “facsimile” and substituting “copy”;
- (h) by omitting from section 301(7) “produced” and substituting “produced or otherwise provided”;
- (i) by omitting from section 301(7) “person taken into custody.” and substituting “arrested person.”;

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 9 – Criminal Code Act 1924 Amended

s. 21

- (j) by omitting subsection (8) from section 301;
- (k) by omitting from section 301(9) “facsimile” first occurring and substituting “copy”;
- (l) by omitting from section 301(9) “facsimile is sent by the facsimile machine.” and substituting “copy is produced or otherwise provided.”;
- (m) by inserting the following subsections after subsection (9) in section 301:
 - (10) If a certified copy of a warrant is sent or otherwise provided to an arrested person by facsimile machine, email or any other means of electronic communication, within the meaning of the *Electronic Transactions Act 2000*, the copy of the certified copy received by the arrested person (the ***received copy***), and any paper copy of the received copy which is printed directly or indirectly from the machine that received the received copy, is taken to be a certified copy of the warrant.
 - (11) In this section –

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 21

Part 9 – Criminal Code Act 1924 Amended

arrested person means a person arrested under subsection (4);

certified copy, in relation to a warrant, is a true copy of the warrant that contains a statement –

- (a) to the effect that the person sending or otherwise providing the copy has seen the original warrant and that the copy is a true copy of that warrant; and
- (b) that is signed by that person;

custody officer means a police officer appointed as a custody officer under section 14(1) of the *Criminal Law (Detention and Interrogation) Act 1995*.

- (n) by omitting section 408;
- (o) by inserting the following paragraph after paragraph (e) in section 418(1):

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 9 – Criminal Code Act 1924 Amended

s. 21

- (ea) The power to make an order under section 409(1)(a) or (b);
- (p) by inserting the following paragraph after paragraph (d) in section 418A(1):
 - (da) the power to make an order under section 409(1)(a) or (b);

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 22 Part 10 – Criminal Law (Detention and Interrogation) Act 1995 Amended

**PART 10 – CRIMINAL LAW (DETENTION AND
INTERROGATION) ACT 1995 AMENDED**

22. Principal Act

In this Part, the *Criminal Law (Detention and Interrogation) Act 1995** is referred to as the Principal Act.

23. Section 4 amended (Detention of person in custody)

Section 4 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or subsection (5)” after “subsection (3)”;
- (b) by inserting the following paragraph after paragraph (a) in subsection (2):
 - (ab) if the police officer believes on reasonable grounds that the person –
 - (i) is under the influence of alcohol, another drug or a combination of drugs (in this section referred to as being *intoxicated*); and
 - (ii) is behaving in a manner likely to cause injury to himself, herself or another

*No. 72 of 1995

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 10 – Criminal Law (Detention and Interrogation) Act 1995 Amended

s. 23

person or cause damage to
any property, or is
incapable of protecting
himself or herself from
physical harm –

until the person may be released
under subsection (5); and

(c) by inserting the following subsections
after subsection (4):

(5) A person referred to in
subsection (2)(ab) may be
admitted to bail by a person
mentioned in section 34 of the
Justices Act 1959 if he or she
believes on reasonable grounds
that the person –

(a) is no longer intoxicated;
or

(b) although still intoxicated,
can safely be released into
the care of a person who
is capable of taking
adequate care of him or
her; or

(c) although still intoxicated,
can safely be released into
the care of a hospital or a
charitable institution, or
other facility, capable of

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 23 Part 10 – Criminal Law (Detention and Interrogation) Act 1995 Amended

caring for an intoxicated person; or

(d) although still intoxicated –

(i) is not likely to cause injury to himself, herself or another person; and

(ii) is not likely to damage property; and

(iii) is capable of protecting himself or herself from physical harm.

(6) A person referred to in subsection (2)(ab) who is being detained only because a police officer believes on reasonable grounds that the person may not be released under subsection (5) must be admitted to bail by a person mentioned in section 34 of the *Justices Act 1959* on being in custody for a period of 8 hours or such extended period as may be determined under subsection (7).

(7) If –

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 10 – Criminal Law (Detention and Interrogation) Act 1995 Amended

s. 24

- (a) the 8-hour period referred to in subsection (6) is close to expiration; and
- (b) a commissioned police officer believes on reasonable grounds that, at the expiration of that period, the conditions for release of the person set out under subsection (5) will not be met –

the person may be detained for such further period, not exceeding 4 hours, as the commissioned police officer determines necessary to enable the person to meet the conditions for release specified in subsection (5).

24. Section 6 amended (Right to communicate with friend, relative and legal practitioner)

Section 6(4) of the Principal Act is amended by omitting “subsection (3),” and substituting “subsection (3) or such further period as a magistrate has granted under subsection (6),”.

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 25 Part 11 – Criminal Procedure (Attendance of Witnesses) Act 1996 Amended

**PART 11 – CRIMINAL PROCEDURE (ATTENDANCE
OF WITNESSES) ACT 1996 AMENDED**

25. Principal Act

In this Part, the *Criminal Procedure (Attendance of Witnesses) Act 1996** is referred to as the Principal Act.

26. Section 3 amended (Interpretation)

The definition of *criminal proceeding* in section 3 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “section 357, 380 or 409” and substituting “section 357 or 409”;
- (b) by inserting the following paragraph after paragraph (c):
 - (ca) an application to a single judge or an associate judge made under a provision of the *Criminal Code Act 1924*; and
- (c) by omitting from paragraph (d) “Court;” and substituting “Court –”;
- (d) by inserting the following definition text after paragraph (d):

*No. 13 of 1996

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 11 – Criminal Procedure (Attendance of Witnesses) Act 1996 Amended

s. 27

“but does not include an appeal or application to the Court of Criminal Appeal;”

27. Section 5 amended (Preliminary notice to witness)

Section 5 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “prosecutor or the accused person,” and substituting “prosecutor, an accused person, an applicant, a respondent to an application or any other person who is a party to a criminal proceeding,”;
- (b) by omitting from subsection (2) “prosecutor or the accused person.” and substituting “person who applied for the preliminary notice.”;
- (c) by omitting from subsection (3) “prosecutor or the accused person” and substituting “person who applied for the notice”.

28. Section 10 amended (Issue of final notice)

Section 10 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “prosecutor or the accused person” and substituting “prosecutor, an accused person, an applicant, a respondent to an

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 29 Part 11 – Criminal Procedure (Attendance of Witnesses) Act 1996 Amended

application or any other person who is a party to a criminal proceeding,”;

- (b) by omitting from subsection (2) “by the prosecutor or the accused person” and substituting “by, or at the behest of, the person who applied for it”.

29. Section 12 amended (Recognisance to secure attendance of witness)

Section 12(1) of the Principal Act is amended by omitting “prosecutor or the accused person,” and substituting “prosecutor, an accused person, an applicant, a respondent to an application or any other person who is a party to a criminal proceeding,”.

30. Section 13 amended (Issue of warrant for arrest of intended witness)

Section 13 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:
 - (1) If, on application by the prosecutor, an accused person, an applicant, a respondent to an application or any other person who is a party to a criminal proceeding, it appears to a judge that there are reasonable grounds

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 11 – Criminal Procedure (Attendance of Witnesses) Act 1996 Amended

s. 30

for believing that an intended witness has failed, or is likely to fail, to attend in the criminal proceeding to give evidence as required by a preliminary notice or a final notice, the judge may issue a warrant for the arrest of that intended witness, whether or not that intended witness has previously entered into a recognisance under section 12.

(b) by inserting the following subsections after subsection (2):

(3) When issuing a warrant to arrest an intended witness under subsection (1), the judge may also –

(a) require that the intended witness be held in custody until such time as he or she appears to give evidence, or produce documents, articles or things in his or her possession or custody, in the relevant criminal proceeding; or

(b) set such terms for a recognisance as the judge thinks fit in order to secure the attendance of

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 30 Part 11 – Criminal Procedure (Attendance of Witnesses) Act 1996 Amended

the intended witness, or the production of documents, articles or things in his or her possession or custody, in the relevant criminal proceeding and order that the intended witness be released on entering into such a recognisance.

- (4) If on being arrested under a warrant issued under subsection (1)(a) the intended witness enters into a recognisance in such terms as the judge has set under subsection (3), the intended witness may be released but, if the witness refuses to enter into such a recognisance, the witness may be held in custody until such time as he or she appears to give evidence, or produce documents, articles or things in his or her possession or custody, in the relevant criminal proceeding.

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 12 – Evidence Act 2001 Amended

s. 31

PART 12 – EVIDENCE ACT 2001 AMENDED

31. Principal Act

In this Part, the *Evidence Act 2001** is referred to as the Principal Act.

32. Section 160 amended (Postal articles)

Section 160(1) of the Principal Act is amended by omitting “in accordance with the requirements of the *Australian Postal Corporation (Performance Standards) Regulations 1998* of the Commonwealth.” and substituting “on the seventh working day after having been posted.”.

*No. 76 of 2001

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 33

Part 13 – Forensic Procedures Act 2000 Amended

**PART 13 – FORENSIC PROCEDURES ACT 2000
AMENDED**

33. Principal Act

In this Part, the *Forensic Procedures Act 2000**
is referred to as the Principal Act.

34. Section 3 amended (Interpretation)

The definition of *serious offence* in section 3(1)
of the Principal Act is amended as follows:

- (a) by inserting in paragraph (c) “or” after
“27 of the *Misuse of Drugs Act 2001*”;
- (b) by inserting the following paragraph after
paragraph (c):
 - (d) against section 11A(1) or (2A) of
the *Police Powers (Vehicle
Interception) Act 2000*;

*No. 101 of 2000

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 14 – Guardianship and Administration Act 1995 Amended

s. 35

**PART 14 – GUARDIANSHIP AND ADMINISTRATION
ACT 1995 AMENDED**

35. Principal Act

In this Part, the *Guardianship and Administration Act 1995** is referred to as the Principal Act.

36. Section 90 amended (Regulations)

Section 90(2) of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

- (ab) the waiving, and refunding, of any such fee or part of any such fee; and

*No. 44 of 1995

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 37

Part 15 – Long Service Leave Act 1976 Amended

**PART 15 – LONG SERVICE LEAVE ACT 1976
AMENDED**

37. Principal Act

In this Part, the *Long Service Leave Act 1976** is referred to as the Principal Act.

38. Section 13 amended (Settlement of disputes)

Section 13 of the Principal Act is amended as follows:

(a) by omitting subsection (1) and substituting the following subsections:

(1) If a dispute –

(a) as to whether or when –

(i) an employee is or has become entitled to long service leave or payment in lieu of such leave; or

(ii) a deceased employee's personal representative is or has become entitled to

*No. 95 of 1976

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 15 – Long Service Leave Act 1976 Amended

s. 38

payment in lieu of
the employee's
long service leave;
or

- (b) with respect to the rate of ordinary pay of an employee for the purposes of this Act –

occurs, the employer, employee or personal representative, at his or her discretion, may refer the matter to the Secretary for investigation or apply, under section 29 of the *Industrial Relations Act 1984*, to the President of the Commission for a hearing by the Commission.

- (1A) On receipt of a referral under subsection (1), the Secretary is to investigate the circumstances of the dispute and submit a report of his or her findings to the President of the Commission.
- (b) by omitting from subsection (2) “in” and substituting “the Secretary under”.

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 39

Part 16 – Oaths Act 2001 Amended

PART 16 – OATHS ACT 2001 AMENDED

39. Principal Act

In this Part, the *Oaths Act 2001** is referred to as the Principal Act.

40. Schedule 1 amended (Forms)

Schedule 1 to the Principal Act is amended by omitting Form 1 and substituting the following form:

FORM 1 – STATUTORY DECLARATION

I,

.....
(name, address, occupation and telephone number)

do solemnly and sincerely declare that

.....
(facts)

I make this solemn declaration under the *Oaths Act 2001*.

Declared at
(place)

on before me

.....
(Justice, commissioner for declarations
or authorised person)

*No. 77 of 2001

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 17 – Registration to Work with Vulnerable People Act 2013 Amended

s. 41

**PART 17 – REGISTRATION TO WORK WITH
VULNERABLE PEOPLE ACT 2013 AMENDED**

41. Principal Act

In this Part, the *Registration to Work with Vulnerable People Act 2013** is referred to as the Principal Act.

42. Section 15 amended (Person required to be registered to engage in regulated activity)

Section 15(3)(c)(ii) of the Principal Act is amended by omitting “registered” third occurring and substituting “regulated”.

43. Section 16A amended (Offence for registered person in volunteer class to engage in regulated activity for financial or other material benefit or reward)

Section 16A(2)(a) of the Principal Act is amended by omitting “registered” second occurring and substituting “regulated”.

*No. 65 of 2013

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 44 Part 17 – Registration to Work with Vulnerable People Act 2013 Amended

44. Section 17A amended (Offence for employer to engage person registered in class of volunteer in regulated activity for person’s financial or other material benefit or reward)

Section 17A(2)(a) of the Principal Act is amended by omitting “registered” second occurring and substituting “regulated”.

45. Section 33 amended (Registration)

Section 33 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(a)(ii) “employment/volunteer” and substituting “employee/volunteer”;
- (b) by omitting from subsection (2A) “employment/volunteer” and substituting “employee/volunteer”.

46. Section 41A amended (Amendment of class of registration)

Section 41A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “employment/volunteer.” and substituting “employee/volunteer.”;
- (b) by omitting from subsection (5)(a) “employment/volunteer;” and substituting “employee/volunteer;”;

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 17 – Registration to Work with Vulnerable People Act 2013 Amended

s. 46

- (c) by omitting from subsection (6)(b)
“employment/volunteer.” and
substituting “employee/volunteer.”.

Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018

s. 47

Part 18 – Trustee Companies Act 1953 Amended

**PART 18 – TRUSTEE COMPANIES ACT 1953
AMENDED**

47. Principal Act

In this Part, the *Trustee Companies Act 1953** is referred to as the Principal Act.

48. Section 10A amended (Election to administer small estates without grant of probate, &c.)

Section 10A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(c) “amount or, if another amount is prescribed by the regulations, that other”;
- (b) by omitting from subsection (6)(a) “amount or, if another amount is prescribed by the regulations, that other”.

*No. 72 of 1953

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 19 – Water Management Act 1999 Amended

s. 49

**PART 19 – WATER MANAGEMENT ACT 1999
AMENDED**

49. Principal Act

In this Part, the *Water Management Act 1999** is referred to as the Principal Act.

50. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by inserting after paragraph (d) in the definition of *water entity* the following paragraph:

- (da) a body or corporation registered as a co-operative under the Co-operatives National Law (Tasmania); or

51. Section 100 amended (Withdrawal of application)

Section 100(2) of the Principal Act is amended by omitting “section 97(1)(b),” and substituting “section 12A,”.

*No. 45 of 1999

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

s. 52

Part 20 – Legislation repealed

PART 20 – LEGISLATION REPEALED

52. Legislation repealed

The legislation specified in Schedule 1 is repealed.

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

Part 21 – Miscellaneous

s. 53

PART 21 – MISCELLANEOUS

53. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.

*Justice and Related Legislation (Miscellaneous Amendments) Act
2018
Act No. of 2018*

sch. 1

SCHEDULE 1 – LEGISLATION REPEALED

Section 52

*Long Service Leave (Casual Wharf Employees) Act 1982 (No.
37 of 1982)*