

CLAUSE NOTES***Legislation and Regulatory Review (Justice) Bill 2026*****Part 1 Preliminary****Clause 1 Short Title**

This clause specifies that the short title of the Act is the *Legislation and Regulatory Review (Justice) Act 2026*.

Clause 2 Commencement

The Act will commence on the day it receives Royal Assent.

Part 2 Administration and Probate Act 1935 Amended**Clause 3 Principal Act**

References to the Principal Act in this Part are references to the *Administration and Probate Act 1935*.

Clause 4 Section 33 amended (Trust for sale)

Section 33 relates to the sale of any real or personal estate of a person who dies intestate. This clause removes subsection (6), which refers to the rights of creditors of the deceased, and the Crown in respect of duties payable by the deceased, under the repealed *Deceased Persons' Estates Duties Act 1931*.

Clause 5 Section 66 amended (General saving)

This clause amends section 66 of the Principal Act by removing subsection (2), which refers to the operation of the repealed Deceased persons' Estate Duties Act.

Part 3 Building and Construction Industry Security of Payment Act 2009**Clause 6 Principal Act**

References to the Principal Act in this Part are references to the *Building and Construction Industry Security of Payment Act 2009*.

Clause 7 Section 4 amended (Interpretation)

The current paragraph (f) refers to structures or devices in respect of special fire hazard buildings within the meaning of the now lapsed *Building Regulations 2014*. This clause omits and substitutes

paragraph (f) with an updated reference to provisions for special fire hazard premises, as defined within the current *Buildings Regulations 2016* or whichever regulations replace the *Building Regulations 2016*.

Part 4 Electoral Act 2004 amended

Clause 8 Principal Act

References to the Principal Act in this Part are references to the *Electoral Act 2004*.

Clause 9 Section 37 amended (Division rolls)

This clause amends section 37 of the Principal Act to allow the Tasmanian Electoral Commission to prepare the division rolls each year in a form the Commission determines. The current section 37 requires the Tasmanian Electoral Commission to print each division roll once per year, a process that is no longer necessary due to the use of electronic records. However, this printing is but is nonetheless currently required to comply with the legislation, with the printed copy of each division roll discarded unused at the end of the year.

Clause 10 Section 40 amended (Supply of rolls)

This clause amends section 40 of the Principal Act to allow the Tasmanian Electoral Commission to supply copies of the division rolls and candidate rolls in such form as the Tasmanian Electoral Commission determines to those who are empowered to request them under this section.

Clause 11 Section 77 amended (How and when nomination takes place)

This clause amends section 77 of the Principal Act to modernise payment methods available for the payment nomination deposits by those who wish to nominate for an election. Currently, section 77(8) requires that a nomination deposit be paid in 'legal tender' or by cheque. Clause 11 amends subsection (8) to allow the nomination deposit to be paid in cash or another approved method. The Act defines "approved" as meaning approved by the Tasmanian Electoral Commission.

Part 5 Health Complaints Act 1995 amended

Clause 12 Principal Act

References to the Principal Act in this Part are references to the *Health Complaints Act 1995*.

Clause 13 Schedule 1 amended (Health Services)

This clause amends Schedule 1 of the Principal Act by removing and replacing the outdated reference to the repealed *Burial and Cremation Act 2002* with the current *Burial and Cremation Act 2019*.

Part 6 Long Service Leave Act 1976 amended

Clause 14 References to the Principal Act in this Part are references to the *Long Service Leave Act 1976*.

Clause 15 Clause 15 is a consequential change to amend section 2 to remove a reference to the *Workers' (Occupational Diseases) Relief Fund Act 1954*, as that Act is repealed by Clause 23.

Part 7 Tasmanian Civil and Administrative Tribunal Act 2020 amended

Clause 16 References to the Principal Act in this Part are references to the *Tasmanian Civil and Administrative Tribunal Act 2020*.

Clause 17-19 Clauses 17-19 are consequential changes to remove references to the *Workers' (Occupational Diseases) Relief Fund Act 1954*, as that Act is repealed by Clause 23.

Part 8 Workers Rehabilitation and Compensation Act 1988 Amended

Clause 20 References to the Principal Act in this Part are references to the *Workers Rehabilitation and Compensation Act 1988*.

Clause 21-22 Clauses 21-22 are consequential changes to remove references to the *Workers' (Occupational Diseases) Relief Fund Act 1954*, as that Act is repealed by Clause 23.

Part 9 Legislation repealed, rescinded and revoked**Clause 23 Legislation repealed**

This clause provides that the legislation specified in Schedule 1 is repealed. Schedule 1 includes Acts of Parliament, for which the appropriate term is repeal.

Clause 24 Legislation rescinded

This clause provides that the legislation specified in Schedule 2 is rescinded. The term 'rescission' is used to terminate Rules.

Clause 25 Legislation revoked

This clause provides that the legislation specified in schedule 3 is revoked. Being executive or administrative statutory instruments, the conventional termination term is revocation.

Schedule 1 This lists the legislation that is repealed by clause 14.

- *Workers' (Occupational Diseases) Relief Fund Act 1954 (No. 45 of 1954)*
- *Flammable Clothing Act 1973 (No. 111 of 1973)*
- *Second-hand Dealers and Pawnbrokers Amendment Act 2003 (No. 43 of 2003)*
- *Justice and Related Legislation (Miscellaneous Amendments) Act 2006 (No. 16 of 2006)*
- *Property Agents and Land Transactions Amendment Act 2012 (No. 26 of 2012)*
- *Registration to Work with Vulnerable People Amendment Act 2015 (No. 46 of 2015)*
- *Building (Consequential Amendments) Act 2016 (No. 12 of 2016)*

Schedule 2 This lists the legislation being rescinded, being amendment Rules that have now taken effect and no longer required.

- *Probate Amendment Rules 2000 (No. 104 of 2000)*
- *Criminal (Case Management) Amendment Rules 2002 (No. 19 of 2002)*
- *Criminal (Case Management) Amendment Rules (No. 2) 2002 (No. 131 of 2002)*
- *Probate Amendment Rules 2004 (No. 23 of 2004)*
- *Probate Amendment (Fees) Rules 2004 (No. 59 of 2004)*
- *Probate Amendment Rules 2005 (No. 16 of 2005)*
- *Probate Amendment Rules 2010 (No. 157 of 2010)*
- *Probate Amendment Rules 2011 (No. 16 of 2011)*
- *Probate Amendment Rules 2012 (No. 59 of 2012)*
- *Probate Amendment Rules 2017 (No. 4 of 2017)*

Schedule 3 This lists the legislation being revoked, being primarily proclamations, orders (either amendment orders, or orders made under repealed Acts), and a notice.