

FACT SHEET

Legislation and Regulatory Review (Justice) Bill 2026

The Legislation and Regulatory Review (Justice) Bill 2026 is another important step in ensuring Tasmania's legislative framework remains contemporary, efficient and accessible.

The Bill makes amendments to the *Administration and Probate Act 1935*, the *Building and Construction Industry Security of Payment Act 2009*, the *Electoral Act 2004* and the *Health Complaints Act 1995* to correct and update references.

Three other Acts have consequential amendments to remove references to the *Workers' (Occupational Diseases) Relief Fund Act 1954*, which is being repealed. These three Acts are the *Long Service Leave Act 1976*, the *Tasmanian Civil and Administrative Tribunal Act 2020*, and the *Workers Rehabilitation and Compensation Act 1988*.

The Bill also rescinds ten statutory rules and revokes over 110 proclamations and orders.

By removing redundant legislation and modernising outdated provisions, the Bill will improve the quality of our laws while reducing unnecessary administrative burden on the Government, businesses and the community.

The Bill reflects the Government's commitment to continuous legislative review and better regulation.

Amendments the Administration and Probate Act 1935

The Bill amends the *Administration and Probate Act 1935* to remove references to the repealed *Deceased Persons' Estates Duties Act 1931*. Specifically, it removes provisions in sections 33 and 66 that preserve the rights of the Crown and creditors in relation to duties and debts that were payable under that former Act. The *Deceased Persons' Estates Duties Act 1931* has been repealed for many years, meaning these references no longer have any practical legal effect.

These amendments are administrative in nature and are intended to improve the clarity and readability of the legislation by removing obsolete provisions.

Amendments to the Building and Construction Industry Security of Payment Act 2009

The Bill amends the definition provisions in the *Building and Construction Industry Security of Payment Act 2009* relating to fire safety systems. The current Act refers to "special fire hazard buildings" as defined in the *Building Regulations 2014*. However, those regulations have lapsed and been replaced, meaning the existing reference is outdated.

The amendment replaces the existing reference with a definition linked to "special fire hazard premises" under the current *Building Regulations 2016*, while also ensuring the Act will continue to operate correctly if those regulations are replaced in the future. This modernises the legislation, keeps it aligned with the current building regulatory framework, and avoids the need for further amendments whenever building regulations are updated.

Electoral Act 2004

The Bill amends sections 37 and 40 of the *Electoral Act 2004* to provide greater flexibility in how division rolls are prepared and supplied by the Tasmanian Electoral

Commission. At present, the Act requires division rolls to be printed annually. Although electoral records are now maintained electronically, the Commission must still produce printed copies to satisfy the legislative requirement, even where those copies are not used and are later discarded.

The amendments will allow the Tasmanian Electoral Commission to determine the form in which division rolls are prepared and supplied each year. This means rolls can be provided in whatever format the Commission considers appropriate, rather than being limited by prescriptive statutory requirements. The changes support contemporary administrative practices, remove unnecessary printing and distribution requirements, and reduce regulatory burden without affecting the availability of electoral roll information to authorised recipients.

Health Complaints Act 1995

The Bill amends Schedule 1 of the *Health Complaints Act 1995* by replacing a reference to the repealed *Burial and Cremation Act 2002* with a reference to the current *Burial and Cremation Act 2019*.

This amendment updates the legislation so that it accurately refers to the current statutory framework governing burial and cremation matters. The change improves the accuracy and currency of the Act and ensures references within it remain consistent with Tasmania's current legislation.

Legislation Repealed

Schedule 1 repeals a number of pieces of primary legislation that have been identified as redundant.

The *Workers' (Occupational Diseases) Relief Fund Act 1954* (No. 45 of 1954) (WRF Act) was made redundant following the passing of the *Rehabilitation and Compensation Act 1988*. The WRF Act has only been retained to preserve existing compensation entitlement made by claimants under the WRF Act, all of whom have now been confirmed as deceased. The WRF Act is therefore no longer operative.

The *Flammable Clothing Act 1973* (No. 111 of 1973) was made redundant upon the transfer of consumer law responsibilities from the Tasmanian Government to the Commonwealth Government in 2011 with the introduction of the Australian Consumer Law.

The *Second-hand Dealers and Pawnbrokers Amendment Act 2003* (No. 43 of 2003) never commenced and is no longer needed.

The *Justice and Related Legislation (Miscellaneous Amendments) Act 2006* (No. 16 of 2006) has mostly commenced. Part 12 has not yet commenced but is no longer needed.

The *Property Agents and Land Transactions Amendment Act 2012* (No. 26 of 2012) made amendments to the now-repealed Property Agents and Land Transactions Act 2005.

The *Registration to Work with Vulnerable People Amendment Act 2015* (No. 46 of 2015) has commenced in its entirety.

The *Building (Consequential Amendments) Act 2016* (No. 12 of 2016) has commenced other than schedule 2. Schedule 2 cannot commence as it makes amendments to a 2016 bill to amend the Building and Construction Industry Security of Payment Act 2009, which did not pass Parliament.

Legislation Rescinded

Schedule 2 rescinds ten statutory rules that are spent.

Legislation Revoked

Schedule 3 revokes over 110 proclamations and orders that have expired and no longer serve a purpose.