

DRAFT SECOND READING SPEECH**HON GUY BARNETT MP*****Legislation and Regulatory Review (Justice) Bill 2026*****check Hansard for delivery**

Honourable Speaker, I move that the Bill now be read a second time.

The Government is committed to ensuring regulatory requirements are up to date and clear, and that Tasmania's legislation remains current, efficient and fit for purpose.

Reducing unnecessary red tape, and removing obsolete legislation, rules and instruments from the statute book, helps ensure Tasmania's laws are clear, accessible and easy to navigate. It also provides an opportunity to identify requirements that no longer reflect contemporary practices.

Honourable Speaker, the Legislation and Regulatory Review (Justice) Bill 2026 is designed to repeal, rescind and revoke spent or redundant legislation. It also makes targeted amendments to legislation to remove unnecessary requirements and modernise outdated provisions.

Some of the legislation identified for repeal has been superseded by more recent legislation, while other provisions refer to legislation that has long since been repealed or practices that no longer reflect contemporary expectations or administrative processes.

The Bill amends seven Acts, repeals eight Acts, rescinds ten sets of statutory rules and revokes more than 110 spent or redundant proclamations and orders.

The last time a significant clear out of legislation was conducted was in 2016, when a substantial amount of spent or unnecessary legislation was removed from Tasmania's statute books with the passage of the *Redundant Legislation Repeal Act 2016*.

The Bill demonstrates the Government's ongoing commitment to maintaining an efficient and contemporary legislative framework and supporting a clear, contemporary and efficient regulatory framework for the Tasmanian community.

In preparing this Bill, proposals for amendment, repeal or revocation were identified through a review of legislation administered by the Department of Justice, with assistance from the Office of Parliamentary Counsel. This work forms part of a broader Government effort to review legislation to ensure it remains relevant, clear and effective.

The Bill makes amendments to seven Acts.

The *Administration and Probate Act 1935* is amended to remove provisions that continue to refer to the repealed *Deceased Persons' Estates Duties Act 1931*. These references no longer have any practical effect and their removal improves the clarity of the legislation.

The *Building and Construction Industry Security of Payment Act 2009* is amended to update a definition relating to special fire hazard premises. This updates the reference to the current Building Regulations and avoids the need for a further amendment merely because those regulations are subsequently replaced.

The *Electoral Act 2004* is amended to allow the Tasmanian Electoral Commission to determine the form in which division rolls are prepared and supplied. These amendments remove prescriptive requirements to print and distribute rolls in a particular format and support modern administrative practices. The *Electoral Act* is also amended to modernise the methods by which nomination deposits may be paid.

The *Health Complaints Act 1995* is amended to replace an outdated reference to the repealed *Burial and Cremation Act 2002* with a reference to the current *Burial and Cremation Act 2019*.

Three additional Acts have consequential amendments to remove references to the *Workers' (Occupational Diseases) Relief Fund Act 1954*, which as I will discuss, 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 contains three schedules dealing with legislation that no longer serves a useful purpose.

Schedule 1 repeals eight Acts that are redundant or no longer required. This includes the *Flammable Clothing Act 1973* and the *Workers' (Occupational Diseases) Relief Fund Act 1954*, which have been identified as no longer serving a continuing regulatory purpose.

The *Flammable Clothing Act 1973* was enacted as part of the regulatory response in the 1970s to concerns about the flammability of clothing, particularly children's clothing. Its principal operative provision prohibits the sale of prescribed articles of clothing unless they are marked or labelled in accordance with regulations made under the Act. The most recent regulations made under the Act expired in December 2012 and there are currently no regulations in force, as the Australian Consumer Law has overtaken the need for this legislation. The Act therefore has no substantive practical operation in the absence of prescribed articles and associated labelling requirements.

Since the commencement of the Australian Consumer Law arrangements in Tasmania in 2011, consumer product safety requirements have been addressed through the national consumer protection framework. In particular, a mandatory Commonwealth safety standard applies to children's nightwear, certain limited daywear and paper patterns for children's nightwear, including requirements relating to fire hazard classification, testing and labelling. The repeal of the Tasmanian Act

therefore does not remove any operative Tasmanian safety requirements or create any gaps in the regulation of flammable clothing. The Department's review identified Tasmania as the only Australian jurisdiction that continues to retain specific flammable clothing legislation of this kind.

The *Workers' (Occupational Diseases) Relief Fund Act 1954* is also repealed, as I mentioned. This Act established a compensation scheme for workers in specified industries who contracted prescribed occupational diseases.

However, the subsequent enactment of the *Workers Rehabilitation and Compensation Act 1988* established Tasmania's contemporary workers compensation scheme, with broader coverage of work-related injury and disease.

Amendments to the 1954 Act subsequently closed that scheme to new claimants, with the remaining provisions retained principally to preserve the position of existing claimants and allow historical claims to be dealt with if required.

WorkSafe Tasmania has established that the remaining claimants under the 1954 scheme are deceased. On that basis, the Act no longer serves any practical purpose as its repeal can not affect any existing claimant's rights or entitlements. The associated *Workers' (Occupational Diseases) Relief Fund Regulations* are also due to sunset. The Bill also addresses consequential amendments arising from the repeal of the Act.

The Schedule also removes a number of spent amending Acts. These Acts have either performed their function by making amendments to other legislation, or contain amendments that were never commenced and are no longer required due to the passage of time.

Schedule 2 will rescind statutory rules that are spent, such as the *Probate Amendment Rules 2000* and the *Criminal (Case Management) Amendment Rules 2002*.

Schedule 3 revokes proclamations and orders that are spent or otherwise no longer required. This includes commencement proclamations that have performed their function and amending instruments whose amendments have already taken effect. Schedule 3 in total contains over 110 items for revocation.

I note that Schedule 3 also includes a number of Sale of Hazardous Goods Orders that are no longer required because their subject matter is now regulated under the Australian Consumer Law, as the Sale of Hazardous Goods Act 1976 was repealed. The revocation of these Orders is an example of the clarification of the law which this Bill delivers.

Madam Speaker, my Department is continuing to work on future repeal day items, with a number of Acts under the microscope.

With this Bill serving another important step on our law reform agenda, I commend the Bill to the House.