

FACT SHEET

Justice and Related Legislation (Miscellaneous Amendments) Bill 2015

This Bill makes minor non-controversial amendments to twenty one Acts and one set of Regulations. The amendments arise from requests from various stakeholders to clarify or improve the operation of particular pieces of legislation.

The Bill amends -

- a) the *Acts Interpretation Act 1931* to allow for the service of an infringement notice electronically if the recipient of the notice has consented to such service;
- b) the *Administration and Probate Act* to:
 - i. Include a new provision to the effect that a grant of letters of administration can be made to a person 18 years or over whether or not that person resides in Tasmania;
 - ii. Repeal section 25 of the Act which requires every person granted letters of administration to enter a bond; and
 - iii. Replace the obsolete phrase “committee of his estate” with the word “administrator” in section 40;
- c) sections 5, 5A and 5B of the *Appeal Costs Fund Act 1968* and regulation 4 of the *Appeal Costs Fund Regulations 2013* to replace “writ of summons” with “writ” and “plaint” with “claim” to reflect current terminology;
- d) the *Bail Act 1994* to:
 - i. include a provision to clarify that an order may include a condition that the defendant be assessed for, or participate in, an intervention program if the defendant consents to such a condition;
 - ii. provide that bail conditions are not automatically suspended or revoked where a person is arrested for an alleged contravention of a bail condition but later unconditionally released;
- e) section 4 of the *Building and Construction Industry Security of Payment Act 2009* to update two references;
- f) section 28E of the *Civil Liability Act 2002* to include “maintenance” and “champerty” in the list of common law actions that have been abolished;
- g) section 5 of the *Debtors Act 1888* to update the penalty;
- h) section 94 of the *Environmental Management and Pollution Control Act 1994* to include references to seizures by authorised officers who are police officers and to provide that the Commissioner of Police is the focal point through which the provisions of the section are implemented;

- i) the *Health Complaints Act 1995* to allow for an extension of time if there is a delay in the provision of relevant information by another person or body;
- j) sections 53(2) and 75(2) of the *Integrity Commission Act* to include a reference to Division 2 of Part 5 of the *Police Powers (Surveillance Devices) Act 2006*;
- k) the *Justices Act 1959* to clarify that a defendant who is in custody may appear at formal proceedings, such as remand or adjournment, by audio-visual link from the prison';
- l) Amends section 3 of the *Occupational Licensing Act 2005* to delete the reference to "specified person" as it is no longer required;
- m) the *Ombudsman Act 1978* to delete section 16A;
- n) section 32AH of the *Powers of Attorney Act 2000* to provide a time limit within which to make an application;
- o) the *Public Interest Disclosures Act 2002* to limit the scope of section 60(3) to larger public bodies;
- p) the definitions of "infringement notice" and "prescribed record" in the *Records of Offences (Access) Act 1981* to reflect the provisions of the *Monetary Penalties Enforcement Act 2005*;
- q) section 6 of the *Right to Information Act 2009* to include the Parole Board in the list of excluded bodies;
- r) section 23 of the *Search Warrants Act 1997* to update the legislation reference from the repealed *Criminal Process (Identification and Search Procedures) Act 1976* to the current *Forensic Procedures Act 2000*;
- s) section 4 of the *Surrogacy Act 2012* to insert a definition of "approved form";
- t) section 2 of the *Testators Family Maintenance Act 1912* to clarify that a "stepchild" includes a child whose natural parent was a spouse of the deceased at the time of the natural parent's death, and to delete subsection (2) which is obsolete; and
- u) section 8 of the *Victims of Crime Assistance Act* to ensure that the restriction on publicity covers electronic publication as well as traditional forms.