

TASMANIA

**STATE LITIGATOR (CONSEQUENTIAL
AMENDMENTS) BILL 2023**

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STATE LITIGATOR (CONSEQUENTIAL AMENDMENTS) BILL 2023

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

A BILL FOR

An Act to amend the *Annulled Convictions Act 2003*, the *Crown Proceedings Act 1993*, the *Ombudsman Act 1978*, the *Personal Information Protection Act 2004*, the *Right to Information Act 2009* and the *Supreme Court Civil Procedure Act 1932*

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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *State Litigator (Consequential Amendments) Act 2023*.

2. Commencement

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

3. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.

State Litigator (Consequential Amendments) Act 2023
Act No. of 2023

s. 4

Part 2 – Annulled Convictions Act 2003 Amended

**PART 2 – ANNULLED CONVICTIONS ACT 2003
AMENDED**

4. Principal Act

In this Part, the *Annulled Convictions Act 2003**
is referred to as the Principal Act.

5. Schedule 1 amended (Non-exempt applications)

Schedule 1 to the Principal Act is amended by
inserting after item 3 in Part 1 the following
item:

3A. The State Litigator.

*No. 46 of 2003

State Litigator (Consequential Amendments) Act 2023
Act No. of 2023

Part 3 – Crown Proceedings Act 1993 Amended

s. 6

**PART 3 – CROWN PROCEEDINGS ACT 1993
AMENDED**

6. Principal Act

In this Part, the *Crown Proceedings Act 1993** is referred to as the Principal Act.

7. Section 13 amended (Service, &c.)

Section 13(4) of the Principal Act is amended as follows:

- (a) by omitting “Solicitor-General” first occurring and substituting “State Litigator”;
- (b) by omitting from paragraph (b) “Solicitor-General” and substituting “State Litigator”.

8. Section 14 amended (Service of subpoenas, &c., on Ministers)

Section 14(2) of the Principal Act is amended by omitting “Solicitor-General” and substituting “State Litigator”.

9. Section 25 inserted

After section 24 of the Principal Act, the following section is inserted in Part 4:

*No. 14 of 1993

State Litigator (Consequential Amendments) Act 2023
Act No. of 2023

s. 9

Part 3 – Crown Proceedings Act 1993 Amended

25. Savings and transitional provisions consequent on *State Litigator (Consequential Amendments) Act 2023*

(1) In this section –

commencement day means the day on which the *State Litigator (Consequential Amendments) Act 2023* commences.

(2) If, before the commencement day –

(a) the Solicitor-General has been given notice under section 14(2), as in force immediately before the commencement day, of an application for leave to issue a subpoena or other process requiring a Minister to appear, in the Minister’s official capacity, to give evidence or produce documents; but

(b) the Solicitor-General has not been provided with an opportunity to be heard by the court, tribunal or other authority in relation to the matter –

that notice, on and after the commencement day, is taken to have been given to the State Litigator under section 14(2), as in force on and after the commencement day.

(3) If, before the commencement day –

State Litigator (Consequential Amendments) Act 2023
Act No. of 2023

Part 3 – Crown Proceedings Act 1993 Amended

s. 9

- (a) the Solicitor-General has been given notice under section 14(2), as in force immediately before the commencement day, of an application for leave to issue a subpoena or other process requiring a Minister to appear, in the Minister's official capacity, to give evidence or produce documents; and
- (b) the Solicitor-General has been provided with an opportunity to be heard by the court, tribunal or other authority in relation to the matter; and
- (c) that court, tribunal or other authority has not determined the matter –

that court, tribunal or other authority, on or after the commencement day, may continue to determine the matter and, if appropriate, issue the subpoena or other process.

State Litigator (Consequential Amendments) Act 2023
Act No. of 2023

s. 10

Part 4 – Ombudsman Act 1978 Amended

PART 4 – OMBUDSMAN ACT 1978 AMENDED

10. Principal Act

In this Part, the *Ombudsman Act 1978** is referred to as the Principal Act.

11. Section 4 amended (Application of Act)

Section 4(2) of the Principal Act is amended by inserting after paragraph (d) the following paragraph:

(da) the State Litigator;

*No. 82 of 1978

State Litigator (Consequential Amendments) Act 2023
Act No. of 2023

Part 5 – Personal Information Protection Act 2004 Amended

s. 12

**PART 5 – PERSONAL INFORMATION PROTECTION
ACT 2004 AMENDED**

12. Principal Act

In this Part, the *Personal Information Protection Act 2004** is referred to as the Principal Act.

13. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by inserting after paragraph (l) in the definition of *law enforcement agency* the following paragraph:

(la) the State Litigator;

14. Section 7 amended (Courts and tribunals)

Section 7 of the Principal Act is amended by inserting after paragraph (f) the following paragraphs:

(fa) the State Litigator;

(fb) any person employed in relation to the functions of the State Litigator;

*No. 46 of 2004

State Litigator (Consequential Amendments) Act 2023
Act No. of 2023

s. 15

Part 5 – Personal Information Protection Act 2004 Amended

15. Section 12A amended (Disclosure of information to Solicitor-General, &c.)

Section 12A of the Principal Act is amended by inserting after paragraph (d) the following paragraphs:

- (da) the State Litigator;
- (db) any person employed in relation to the functions or duties of the State Litigator;

State Litigator (Consequential Amendments) Act 2023
Act No. of 2023

Part 6 – Right to Information Act 2009 Amended

s. 16

**PART 6 – RIGHT TO INFORMATION ACT 2009
AMENDED**

16. Principal Act

In this Part, the *Right to Information Act 2009** is referred to as the Principal Act.

17. Section 6 amended (Exclusions of certain persons or bodies)

Section 6(1) of the Principal Act is amended by inserting after paragraph (i) the following paragraph:

- (ia) the State Litigator;

*No. 70 of 2009

State Litigator (Consequential Amendments) Act 2023
Act No. of 2023

s. 18

Part 7 – Supreme Court Civil Procedure Act 1932 Amended

**PART 7 – SUPREME COURT CIVIL PROCEDURE ACT
1932 AMENDED**

18. Principal Act

In this Part, the *Supreme Court Civil Procedure Act 1932** is referred to as the Principal Act.

19. Section 194G amended (Vexatious litigants)

Section 194G(3) of the Principal Act is amended by inserting “the State Litigator,” after “Prosecutions,”.

*No. 58 of 1932