

CLAUSE NOTES

Justice and Related Legislation (Miscellaneous Amendments) Bill 2015

- Clause 1: Short Title.
- Clause 2: Commencement on Royal Assent.
- Clause 3: Principal Act – *Acts Interpretation Act 1931*.
- Clause 4: Inserts a new section 30A which provides for an infringement notice to be served electronically if the intended recipient consents to such service, and for a presumption of service if sent electronically to the address provided for that purpose.
- Clause 5: Principal Act – *Administration and Probate Act 1935*.
- Clause 6: Inserts a new section 13A to allow a Court to grant letters of administration to an adult.
- Clause 7: Amends section 14 to update terminology from “committee” to “administrator”.
- Clause 8: Repeals section 25.
- Clause 9: Amends section 40 to update terminology from “committee of his estate” to “administrator”.
- Clause 10: Principal Act – *Appeal Costs Fund Act 1968*.
- Clause 11: Amends section 5 to update terminology.
- Clause 12: Amends section 5A(3) to update terminology.
- Clause 13: Amends section 5B(3) to update terminology.
- Clause 14: Principal Regulations – *Appeal Costs Fund Regulations 2013*.
- Clause 15: Amends Regulation 4 to update terminology.
- Clause 16: Principal Act – *Bail Act 1994*.
- Clause 17: Inserts definition of “intervention program” in section 3 of the Principal Act.
- Clause 18: Amends section 5 to prevent the revocation of a person’s police bail if the person is arrested for contravention or imminent contravention of the section but is later released unconditionally. An example would be where, after further investigation, police

find that the person did not and was not about to contravene a bail condition.

- Clause 19: Amends section 7 to make it clear that a condition of bail may be that a person be assessed for, or participate in, an intervention program if the person consents to such assessment or participation. Participation can only be ordered where the person has been assessed as eligible and the program is available at a suitable place and time.
- Clause 20: Amends section 10 to prevent the suspension of a person's bail if the person is arrested but later released unconditionally without being taken before a court. An example would be where, after further investigation, police find that the person has not and was not about to contravene a bail condition.
- Clause 21: Principal Act – *Building and Construction Industry Security of Payment Act 2009*.
- Clause 22: Amends section 4 to correct references.
- Clause 23: Principal Act – *Civil Liability Act 2002*.
- Clause 24: Includes maintenance and champerty in the common law actions abolished by the Act.
- Clause 25: Principal Act – *Debtors Act 1888*.
- Clause 26: Amends section 5 to increase the penalty for failure to appear on a summons.
- Clause 27: Principal Act – *Environmental Management and Pollution Control Act 1994*.
- Clause 28: Inserts a definition of “Commissioner” in section 3.
- Clause 29: Amends section 94 to provide a procedure for seizures made by Police Officers who are authorised officers within the meaning of the Act, and to provide that the Commissioner of Police is the focal point through which the provisions of the section are implemented.
- Clause 30: Amends section 97 to include “Commissioner”.
- Clause 31: Principal Act – *Health Complaints Act 1995*.
- Clause 32: Inserts a new subsection into section 25 to allow the Commissioner to extend time to allow for information requested from another party to be received and considered.

- Clause 33: Principal Act – *Integrity Commission Act 2009*.
- Clause 34: Amends section 53 to apply the reporting and record keeping requirements of the *Police Powers (Surveillance Devices) Act 2006* to the Integrity Commission.
- Clause 35: Amends section 75 to apply the reporting and record keeping requirements of the *Police Powers (Surveillance Devices) Act 2006* to the Integrity Commission.
- Clause 36: Principal Act – *Justices Act 1959*.
- Clause 37: Inserts a new section 39A to clarify that a defendant in custody, who will not be giving evidence or making submissions in proceedings, may appear by audio or audio-visual link. If the defendant is giving evidence or making submissions, the *Evidence (Audio and Audio Visual Links) Act 1999* will apply.
- Clause 38: Principal Act – *Occupational Licensing Act 2005*.
- Clause 39: Amends section 3 to omit the definition of “specified person” as it no longer has a particular meaning in the Act.
- Clause 40: Principal Act – *Ombudsman Act 1978*.
- Clause 41: Repeals section 16A.
- Clause 42: Principal Act – *Power of Attorney Act 2000*.
- Clause 43: Amends section 32AH to provide a time limit for the making on an application under the section and for an extension of that limit at the discretion of the Supreme Court.
- Clause 44: Principal Act – *Public Interest Disclosures Act 2002*.
- Clause 45: Amends section 60 to restrict the public bodies required to comply with subsection (3) to those that meet the definition of “large public body” in new subsection (4) and makes other consequential amendments.
- Clause 46: Principal Act – *Records of Offences (Access) Act 1981*.
- Clause 47: Inserts a new definition of “infringement notice” and amends the definition of “prescribed record” for consistency with the *Monetary Penalties Enforcement Act 2005*.
- Clause 48: Principal Act – *Right to Information Act 2009*.
- Clause 49: Amends section 6 to insert the Parole Board in the list of excluded bodies.

- Clause 50: Principal Act – *Search Warrants Act 1997*.
- Clause 51: Updates the legislative reference in section 23.
- Clause 52: Principal Act – *Surrogacy Act 2012*.
- Clause 53: Inserts a definition of “approved form” in section 4.
- Clause 54: Principal Act – *Testator’s Family Maintenance Act 1912*.
- Clause 55: Amends section 2(1) to remove the requirement that the child of a person’s spouse must have been a child of a former marriage or significant relationship, and to include in the definition a child whose natural parent was the spouse of a person at the time of the natural parent’s death; and
- Omits current subsection 2(2) and inserts a new subsection (2) to apply the amended definition of “stepchild” only to estates where the death occurred after the commencement of the amendment.
- Clause 56: Principal Act – *Victims of Crime Assistance Act 1976*.
- Clause 57: Amends section 8 to include publication in electronic form to the list of restricted publication.
- Clause 58: Provides for the repeal of this amending Act after the amendments have been incorporated into the Principal Acts.