

## **FACT SHEET**

### **Justice and Related Legislation (Miscellaneous Amendments)** **Bill 2012**

This Bill make miscellaneous amendments to a number of mainly Justice related Acts. In Brief the more significant amendments are as follows:

- (a) Section 7 of the *Bail Act 1994* is amended to clarify that a Crown Law officer may alter the date a person admitted to bail is to appear in court on more than one occasion.
- (b) The *Building and Construction Industry Security of Payment Act 2009* is amended to:
  - Clarify the definition of “business day”
  - ensure that the minimum period allowed under section 19 is 20 days for residential home owners
  - ensure that the minimum payment period under section 20 is 20 days for residential home owners.
- (c) The *Civil Liability Act 2002* is amended to:
  - insert a new section to remove the right of an employer to seek indemnification from an employee where the employer is vicariously liable for the employee’s action unless the employee is guilty of serious or wilful misconduct; and
  - cap damages for loss of earning capacity in actions under the *Fatal Accidents Act 1934* in the same way as occurs in other damages claims.
- (d) Amend section 87A of the *Corrections Act 1997* to include a forensic patient within the meaning of the *Mental Health Act 1996* being held in relation to a violent or sexual offence as a person about whom eligible persons (mostly victims) will be entitled to receive information about the offender.
- (e) Section 10 of the *Criminal Justice (Mental Impairment) Act 1999* is amended to replace the references to a committal hearing with references to a preliminary proceeding.

(f) The *Evidence (Audio and Visual Links) Act 1999* is amended to permit evidence to be given by audio visual link from overseas countries.

(g) The *Integrity Commission Act 2009* is amended to:

- include the University of Tasmania in the definition of Public Authorities; and
- avoid the need for two annual reports at two different times; and
- limit the number of members appointed to an Integrity Tribunal and deal with a situation where a number of Board members may be ineligible to sit on a Tribunal.

(h) The *Juries Act 2003* is amended by

- extending sections 39(3)(a) and 40(a) to provide for a situation where a court has reasonable grounds for suspecting that a juror may not be impartial; and
- deleting the words “in an emergency” from section 41(1)

(i) Section 607 of the *Legal Profession Act 2007* is amended to clarify that a person appointed as secretary to the Board of Legal Education does not have to be an officer or employee in the State Service.

(j) Section 42 of the *Police Powers (Surveillance Devices) Act 2006* and section 32 of the *Police Powers (Controlled Operations) Act 2006* are amended to require the inspection entity to report not later than 3 months after the end of each financial year on the results of each inspection in that financial year.

(k) The *Public Interest Disclosures Act 2002* and the *Right to Information Act 2009* are amended to include the University of Tasmania in the Schedule of bodies to which the Acts apply.

(l) The *Supreme Court Civil Procedure Act 1932* is amended to

- provide for appeals to be made direct to the Full Court from judgments of the Associate Judge that finalise the rights of the parties,

- provide for a power to make rules specifying which judgements are to be regarded as final,
- repeal section 191A and to make a minor correction to the wording of section 197(1)(f).

(m) Amend section 7A of the Victims of Crime Assistance Act 1976 to provide for the collection of monies ordered to be paid to the Crown under that section to be collected by the Director, Monetary Penalties Enforcement and make consequential amendments to section 3 of the *Monetary Penalties Enforcement Act 2005*.

(n) The phrase “Court of Requests” is replaced with the phrase “Magistrates Court (Civil Division)” in the *Appeal Costs Fund Act 1968*; *Business Names Act 1962*; *Consumer Affairs Act 1988*; *Drains Act 1954*; *Landlord and Tenant Act 1935*; *Married Women’s Property Act 1935*; *Supreme Court Civil Procedure Act 1932*; *Workers Rehabilitation and Compensation Act 1932*.

(o) Out-dated statutory rules made under the *Trustee Act 1898* are revoked.