

## FACT SHEET

### ***Justice and Related Legislation (Miscellaneous Amendments) Bill (No.2) 2024***

This Bill contains a number of minor and non-controversial amendments to a variety of Acts. The amendments arise from requests from various stakeholders to clarify or improve the operation of particular pieces of legislation.

The Bill amends:

- The *Criminal Code Act 1924* to:
  - Make the definition of ‘sexual intercourse’ at section 2B retrospective;
  - Include reference to sections 124A (penetrative sexual abuse of child or young person by person in position of authority), 125A (persistent sexual abuse of a child or young person), 125C (procuring child or young person for sexual abuse), 126 (penetrative sexual abuse of person with a mental impairment) and 170A (persistent family violence) in section 14A (mistake as to consent in certain sexual offences); and
  - Inserting section 466 to provide that the definition of ‘sexual intercourse’ being retrospective does not affect proceedings that have already been determined;
- The *Dangerous Criminals and High Risk Offenders Act 2021* at section 37, to clarify the criteria required when a judge is assessing whether to make an interim high risk order;
- The *Electoral Act 2004* to reflect that an offence under section 186(1) would not apply where an Assembly and Council election are held on the same day;
- The *Evidence Act 2001* to include the crime of ‘persistent family violence’ at s170A of the *Criminal Code* in the operation of section 194M;
- The *Family Violence Act 2004* to enable at section 29D for Tasmania Police to apply for a review of a serial family violence perpetrator declaration where the original declaration was made by the Magistrates Court;
- The *Forensic Procedures Act 2000* at section 63 to enable Tasmania Police to continue to share fingerprint information with law enforcement agencies in other Australian jurisdictions through the National Automated Fingerprint identification Service;
- The *Gas Safety Act 2019* at section 3, and at Schedule 2 to the *Occupational Licencing Act 2005*, to cover the emerging technology of vehicles that derive energy from hydrogen fuel cells;

- The *Health Complaints Act 1995* to amend the definition of 'health service' at section 3 to ensure Tasmania can implement the National Code of Conduct for health care workers who are not registered under the National Health Practitioners Regulation Law;
- The *Integrity Commission Act 2009* at section 23 to clarify the membership of the Joint Standing Committee on Integrity in view of the composition of the current Parliament;
- The *Justices Act 1959* to restore reference to the crime of fraud under section 253A of the *Criminal Code* within sections 71 and 72; and,
- The *Justices of the Peace Act 2018* to streamline the administration of the Act by:
  - inserting reference in section 5 to the Secretary in the definition of 'eligible person';
  - substituting section 6 to clarify the exercise of powers of the Office of Justice of the Peace;
  - providing at section 7 that an application may be made for reappointment 12 months before the expiry of an appointment;
  - substituting at section 8 the period of reappointment from 2 years to 5 years;
  - expanding the scope of the validity of acts of a justice in section 12;
  - omitting from section 16 the requirements under subsection (2); and
  - inserting subsection (3) in section 38 to enable the Secretary to allocate unique registration numbers to justices.