

FACT SHEET

JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2008

This Bill amends a number of pieces of legislation. One of the changes is to the definition of ‘partner’ in section 3 of the *Fatal Accidents Act 1934* to provide that it is no longer required that a ‘partner’ cohabit with and be financially dependant on the deceased to fall within the definition.

It also amends section 10 of the Act to make the threshold figure for personal assets that are to be taken into account in the assessment of damages \$250,000 which has been increased from the 1955 figure of \$10 000.

The amendment to the *Civil Liability Act 2002* in the Bill clarifies that nothing in section 28B prevents the award of damages under the *Fatal Accidents Act 1934* for the loss of gratuitous services provided by the deceased to his or her family.

The Bill amends the Community Protection (*Offender Reporting*) Act 2005 to insert a provision to allow an appeal to the Court of Criminal Appeal from an order made under that Act by a judge.

The Bill also inserts a provision into the *Freedom of Information Act 1991* to ensure that the DPP is exempted from the operation of the Act in respect of material held in the exercise of his statutory functions.

The amendment to s.27Y of the *Sentencing Act 1998* allows extensions of the time to make new drug treatment orders to be made after the current cut-off date (set by a recently made regulation) of 31 July 2008.

The Bill amends section 109 of the *Anti Discrimination Act 1998* to allow regulations made under the Act to provide for fees payable in respect of applications to the Tribunal under the Act.

The Bill amends section 15 of the *Health Complaints Act 1995* to allow investigators under the Act to also carry out conciliations, leading to a more efficient use of time and resources.

The *Magistrates Court (Civil Division) Act 1992* amends section 31A so that the Magistrate Rules Committee may make specific rules for use in enforcement proceedings. The powers currently granted by the section will operate as a default position where the Rules Committee has made no specific rules.

The Bill makes two amendments to the *Criminal Code 1924*, one to allow the making of Rules of Court from the time of committal onward and another one to alter the definition of 'prescribed period' for the purposes of s.368A to correct an anomaly in that section.

The amendment to the *Judicial Review Act 2000* adds two items to the list of decisions to which the Act does not apply, being decisions under the *Coroners Act 1995* and decisions made by the Tasmanian Industrial Commission.

This Bill also amends the *Administration and Probate Act 1935*, *Bills of Sale Act 1900*, *Civil Process Act 1870*, *Criminal Code Act 1924*, *Guardianship and Custody of Infants Act 1934*, *Juries Act 2003*, *Justices Act 1959*, *Landlord and Tenant Act 1935*, *Legal Profession Act 2007*, *Public Trustee Act 1930* and *Trustee Act 1898* to clarify that in all cases under Tasmanian law rules of court may be made by a majority of judges.