

## **FACT SHEET**

### **Justice and Related Legislation ( Further Miscellaneous Amendments) Bill 2009**

This Bill:

- (a) Amends the *Corrections Act 1997* to provide for the keeping of an “Eligible Persons Register” instead of a Victims Register, to expand the list of persons who may be included on the Register and to set out the information that may be released to persons on the Register.
- (b) Amends the *Criminal Code Act 1924* to
  - i. enable the Associate Judge to deal with directions hearings in relation to appeals to the Court of Criminal Appeal (except in relation to the liberty of the subject) and to orders that an accused person be granted legal aid.
  - ii. Provide for an appeal to the Court of Criminal Appeal against a stay of proceedings
- (c) Amends the *Criminal Law (Detention and Interrogation) Act 1995* to clarify the processes and responsibilities for the supervision of police detainees by custodial officers in Hobart and Launceston Reception Prisons.
- (d) Amends the *Magistrates Court (Civil Division) Act 1992* to restrict appeals from the Magistrates Court (Minor Civil Claims) Division.
- (e) Amends the *Mental Health Act 1996* to change references to ‘victims register’ to “eligible persons register”
- (f) Amends the *Justices Act 1959* to
  - i. Amend section 55 to reduce the period of delay between first appearance and committal from 7 weeks to 4 weeks

- ii. Insert a new section to enable an offence under section 105 of the *Criminal Code Act 1924* (Perverting justice) to be tried summarily where the act or omission the subject of the complaint was made in relation to an offence under the *Traffic Act 1925*, *Vehicle and Traffic Act 1999* and the *Road Safety (Alcohol and Drugs) Act 1970*.
- (g) Amends sections 8 and 9 of the *Police Powers (Surveillance Devices) Act 2006* to clarify when a surveillance device warrant may be issued by a magistrate and that the provisions apply to the use of the device rather than the investigation generally.
- (h) Amends the *Residential Tenancy Act 1997* to ensure that property owners can continue to pass water consumption charges on to tenants.
- (i) Makes various amendments to the *Sentencing Act 1997* following the Law Reform Institute report on sentencing to:
  - i. amend s 24 of the *Sentencing Act* to include a list of conditions that are or may be attached to a suspended sentence;
  - ii. introduce a statutory presumption in favour of activation of a suspended sentence in the case of breach of the order by the offender;
  - iii. simplify the process for breach proceedings of non-custodial orders (CSOs, Probation and Rehabilitation).
- (j) Makes a minor amendment to section 68(9) of the *Sentencing Act 1997* for consistency with section 68(1).
- (k) Amends the *Supreme Court Civil Procedure Act 1932* to extend the functions of the Associate Judge in relation to the pre-hearing process for civil appeals to allow these appeals to be dealt with more efficiently.