

FACT SHEET

Justice and Related Legislation (Miscellaneous Amendments) Bill 2025

This Bill contains amendments to 4 Acts. The amendments arise from requests from various stakeholders to update, clarify and improve the operation of particular pieces of legislation.

Coroners Act 1995

Amendments to the *Coroners Act 1995* provide for a clear and direct right of access by senior next of kin to coronial records.

The amendment operates in addition to an existing general discretion to release coronial records under rule 26 of the *Coroners Rules 2006*.

The Bill inserts a provision to clarify that the senior next of kin will be provided with a copy of the coronial record they seek, unless one of the limited exceptions applies. A coronial record includes records held by the Coronial Division in relation to an investigation of a death or which can be provided lawfully to the Coronial Division under the Coroners Act (for example, records held by pathologists). This includes postmortem reports, other records or documents including autopsy photographs and transcripts or recordings of oral evidence given to the Coronial Division.

Coronial records may be highly sensitive. The amendment therefore only provides for these requests from the senior next of kin (or their agent by virtue of the established common law principle that a person can authorise another person to act on their behalf). A coronial authority (the Chief Magistrate or presiding coroner) may only refuse a request if satisfied on reasonable grounds that release of the record:

- is prohibited by legislation; or
- would be an unreasonable intrusion on the privacy of a person referred to in the coronial record (other than the deceased person to whom the request relates) and contrary to the public interest due to that intrusion on the privacy of the third person; or
- would be likely to prejudice the investigation of a breach, or possible breach of the law; enforcement or proper administration of the law; the fair trial of a person; or
- would be contrary to national security or personal security.

If one of the limited grounds to refuse a request applies to the record, a coronial authority may redact or modify the record if satisfied that the redaction or modification would enable the record to be released.

A coronial authority must provide a copy of the coronial record within 28 days after the request is made or such longer period as is agreed with the senior next of kin.

The Bill provides that the coronial authority may order that a coronial record not be published if satisfied on reasonable grounds that the publication is contrary to the public interest. Failing to comply with a non-publication order is an offence with a

maximum penalty of 50 penalty units. This is the same penalty as in section 57 of the Act in relation to prohibited publications.

The Bill also inserts specific appeal provisions, to confirm a right to review the following matters under the enactment:

- whether a record is a coronial record;
- a failure to provide a copy of the coronial record within the required period;
- a decision that one of the grounds to refuse a request applies to the record; and
- a decision to order non-publication.

Corrections Act 1997

The Bill updates sections 68 and 69 of the Corrections Act to reflect the repeal of section 19 of the *Sentencing Act 1997* and commencement of its replacement, section 7 of the *Dangerous Criminals and High Risk Offenders Act 2021*.

Tasmanian Civil and Administrative Tribunal Act 2020 (TASCAT Act)

The Bill amends section 98 of the TASCAT Act to allow lawyers subject to disciplinary proceedings to appear as a representative before TASCAT. This is because disciplinary proceedings in and of themselves are not necessarily an indicator of wrongdoing and the current prohibition presupposes a finding of guilt before proceedings are resolved.

The TASCAT Act prohibits a lawyer from appearing if their practicing certificate has been suspended by the Legal Profession Board of Tasmania. This remains unchanged.

Workers Rehabilitation and Compensation Act 1998

Currently, only medical practitioners can issue workers compensation certificates.

Amendments to the Workers Rehabilitation and Compensation Act allow nurse practitioners to issue workers compensation certificates issued in emergency departments of hospitals or other prescribed settings or for a prescribed purpose. Nurse practitioners are advanced practice nurses, educated to a Masters level in their specific speciality of practice.

The amendments require that any certificate be issued in compliance with a certificate protocol approved by the Secretary of the Department of Health and the WorkCover Board and published on the Department of Health's website. A certificate protocol may outline the circumstances or conditions under which a nurse practitioner may issue a certificate. For example, it may provide that a certificate issued by a nurse practitioner is time limited.

A certificate protocol comes into effect 7 days after it is approved and must be published on the Department of Health's website. This provides time for nurse practitioners to be notified of any changes.