

TASMANIA

**STATUTORY APPOINTMENTS
(MISCELLANEOUS AMENDMENTS) BILL 2017**

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**STATUTORY APPOINTMENTS
(MISCELLANEOUS AMENDMENTS) BILL 2017**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
8 August 2017

*(Brought in by the Acting Minister for Justice, the Honourable
Matthew Guy Groom)*

A BILL FOR

An Act to amend, in various Acts, the qualifications for certain appointments and certain references to persons admitted to the legal profession or entitled to engage in legal practice, and to amend, in various Acts, references to the Federal Magistrates Court

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Statutory Appointments (Miscellaneous Amendments) Act 2017*.

Statutory Appointments (Miscellaneous Amendments) Act 2017
Act No. of

s. 2

Part 1 – Preliminary

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

**PART 2 – CO-OPERATIVE SCHEMES
(ADMINISTRATIVE ACTIONS) ACT 2001 AMENDED**

3. Principal Act

In this Part, the *Co-operative Schemes (Administrative Actions) Act 2001** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting “Federal Magistrates Court” from the definition of *Commonwealth authority* and substituting “Federal Circuit Court of Australia”.

*No. 43 of 2001

Statutory Appointments (Miscellaneous Amendments) Act 2017
Act No. of

s. 5

Part 3 – Corporations (Administrative Actions) Act 2001 Amended

**PART 3 – CORPORATIONS (ADMINISTRATIVE
ACTIONS) ACT 2001 AMENDED**

5. Principal Act

In this Part, the *Corporations (Administrative Actions) Act 2001** is referred to as the Principal Act.

6. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting “Federal Magistrates Court” from the definition of *Commonwealth authority* and substituting “Federal Circuit Court of Australia”.

*No. 40 of 2001

PART 4 – CORRECTIONS ACT 1997 AMENDED

7. Principal Act

In this Part, the *Corrections Act 1997** is referred to as the Principal Act.

8. Section 62 amended (Establishment of Parole Board)

Section 62(2)(a) of the Principal Act is amended by omitting “has practised as a legal practitioner for at least 7 years” and substituting “is an Australian lawyer of at least 7 years’ standing as an Australian legal practitioner”.

*No. 51 of 1997

Statutory Appointments (Miscellaneous Amendments) Act 2017
Act No. of

s. 9

Part 5 – Legal Aid Commission Act 1990 Amended

**PART 5 – LEGAL AID COMMISSION ACT 1990
AMENDED**

9. Principal Act

In this Part, the *Legal Aid Commission Act 1990** is referred to as the Principal Act.

10. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *barrister*;
- (b) by omitting “or a barrister” from the definition of *private legal practitioner*.

11. Section 5 amended (Membership of Commission)

Section 5(2)(b) of the Principal Act is amended by omitting “a legal practitioner or a barrister of at least 5 years standing” and substituting “an Australian lawyer of at least 5 years’ standing as an Australian legal practitioner”.

12. Section 6 amended (Functions of Commission)

Section 6(1)(e) of the Principal Act is amended by omitting “or barristers”.

*No. 42 of 1990

13. Section 8 amended (Director of Legal Aid)

Section 8(2) of the Principal Act is amended by omitting “a barrister or a legal practitioner” and substituting “an Australian lawyer”.

14. Section 9 amended (Acting Director)

Section 9(1) of the Principal Act is amended by omitting “a barrister or legal practitioner” and substituting “an Australian lawyer”.

15. Section 13 amended (Constitution of Legal Aid Committees)

Section 13(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “or a barrister”;
- (b) by omitting from paragraph (c) “or barristers”.

Statutory Appointments (Miscellaneous Amendments) Act 2017
Act No. of

s. 16

Part 6 – Magistrates Court Act 1987 Amended

PART 6 – MAGISTRATES COURT ACT 1987
AMENDED

16. Principal Act

In this Part, the *Magistrates Court Act 1987** is referred to as the Principal Act.

17. Section 4 amended (Appointment of magistrates)

Section 4(4A) of the Principal Act is amended by omitting paragraph (c) from the definition of *qualified person* and substituting:

- (c) is or has been a judge of the Federal Circuit Court of Australia or has been a magistrate of the Federal Magistrates Court; or

*No. 45 of 1987

**PART 7 – PROPERTY AGENTS AND LAND
TRANSACTIONS ACT 2016 AMENDED**

18. Principal Act

In this Part, the *Property Agents and Land Transactions Act 2016** is referred to as the Principal Act.

19. Section 5 amended (Property Agents Board continued)

Section 5(2)(a) of the Principal Act is amended by omitting “a legal practitioner, nominated by the Minister, who is of at least 5 years’ standing” and substituting “an Australian lawyer, nominated by the Minister, of at least 5 years’ standing as an Australian legal practitioner”.

Statutory Appointments (Miscellaneous Amendments) Act 2017
Act No. of

s. 20

Part 8 – Victims of Crime Assistance Act 1976 Amended

**PART 8 – VICTIMS OF CRIME ASSISTANCE ACT
1976 AMENDED**

20. Principal Act

In this Part, the *Victims of Crime Assistance Act 1976** is referred to as the Principal Act.

21. Section 2 amended (Interpretation)

Section 2(1) of the Principal Act is amended by omitting the definition of *Master*.

22. Section 2A amended (Appointment of Commissioners)

Section 2A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Australian legal practitioners” and substituting “Australian lawyers of at least 5 years’ standing as Australian legal practitioners”;
- (b) by omitting from subsection (3) “the Master, Registrar and Deputy Registrar” and substituting “each Associate Judge, the Registrar and the Deputy Registrar”.

*No. 32 of 1976

**PART 9 – WORKERS REHABILITATION AND
COMPENSATION ACT 1988 AMENDED**

23. Principal Act

In this Part, the *Workers Rehabilitation and Compensation Act 1988** is referred to as the Principal Act.

24. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of *barrister*;
- (b) by omitting the definition of *practitioner*.

25. Section 17A amended (Chief Workers Rehabilitation and Compensation Commissioner)

Section 17A(2) of the Principal Act is amended by omitting “a practitioner or barrister of not less than 5 years’ standing” and substituting “an Australian lawyer of at least 5 years’ standing as an Australian legal practitioner”.

26. Section 17B amended (Workers Rehabilitation and Compensation Commissioner)

Section 17B(2) of the Principal Act is amended by omitting “a practitioner or barrister of not less than 5 years’ standing” and substituting “an

*No. 4 of 1988

Statutory Appointments (Miscellaneous Amendments) Act 2017
Act No. of

s. 27

Part 9 – Workers Rehabilitation and Compensation Act 1988 Amended

Australian lawyer of at least 5 years’ standing as an Australian legal practitioner”.

27. Section 18 amended (Acting appointment)

Section 18(1) of the Principal Act is amended by omitting “a practitioner or barrister of not less than 5 years’ standing” and substituting “an Australian lawyer of at least 5 years’ standing as an Australian legal practitioner”.

28. Section 19 amended (Part-time Workers Rehabilitation and Compensation Commissioners)

Section 19(1) of the Principal Act is amended by omitting “a practitioner or barrister of not less than 5 years’ standing” and substituting “an Australian lawyer of at least 5 years’ standing as an Australian legal practitioner”.

29. Section 42H amended (Representation during conciliation process)

Section 42H(4) of the Principal Act is amended by omitting “a practitioner” and substituting “an Australian legal practitioner”.

Statutory Appointments (Miscellaneous Amendments) Act 2017
Act No. of

Part 10 – Concluding Provision

s. 30

PART 10 – CONCLUDING PROVISION

30. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.