

TASMANIA

JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2025

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JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2025

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.

LAURA ROSS, *Clerk of the House*
6 May 2025

*(Brought in by the Minister for Justice, the Honourable Guy
Barnett)*

A BILL FOR

An Act to amend the *Coroners Act 1995*, the *Corrections Act 1997*, the *Tasmanian Civil and Administrative Tribunal Act 2020* and the *Workers Rehabilitation and Compensation Act 1988*

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 *Justice and Related Legislation (Miscellaneous Amendments) Act 2025*.

Justice and Related Legislation (Miscellaneous Amendments) Act
2025
Act No. of 2025

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Part 1 – Preliminary

2. Commencement

- (1) Except as provided in this section, the provisions of this Act commence on the day on which this Act receives the Royal Assent.
- (2) Parts 2 and 5 commence on a day or days to be proclaimed.

3. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

Justice and Related Legislation (Miscellaneous Amendments) Act
2025
Act No. of 2025

Part 2 – Coroners Act 1995 Amended

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PART 2 – CORONERS ACT 1995 AMENDED

4. Principal Act

In this Part, the *Coroners Act 1995** is referred to as the Principal Act.

5. Section 58C inserted

After section 58B of the Principal Act, the following section is inserted in Part 8:

58C. Certain records to be provided to senior next of kin in certain circumstances

(1) In this section –

coronial authority, in respect of a deceased person, means –

- (a) the Chief Magistrate; or
- (b) the coroner who has jurisdiction to investigate the death of the deceased person;

coronial record means any of the following records in relation to an investigation of a death under this Act:

*No. 73 of 1995

Justice and Related Legislation (Miscellaneous Amendments) Act
2025
Act No. of 2025

s. 5

Part 2 – Coroners Act 1995 Amended

- (a) the following records, if held by the Magistrates Court (Coronial Division):
 - (i) a report, in respect of the investigation or death, that is prepared by, or on behalf of the State Forensic Pathologist or a pathologist, or medical practitioner, approved under section 35;
 - (ii) any other record or document, including any photograph, that –
 - (A) contains evidentiary material from the investigation; or
 - (B) is made under this Act in relation to the

Justice and Related Legislation (Miscellaneous Amendments) Act
2025
Act No. of 2025

Part 2 – Coroners Act 1995 Amended

s. 5

investigation
or death; or

(C) is made as
part of an
autopsy
performed
under
section 36 in
relation to the
death;

(iii) a transcript, or
recording, of oral
evidence given to
the court in
respect of the
investigation;

(b) a record referred to in
paragraph (a) if the record
is able to be provided
lawfully to the
Magistrates Court
(Coronial Division) under
this Act or any other Act.

(2) The senior next of kin of a deceased
person may request to be provided with a
copy of one or more coronial records
prepared in respect of the deceased
person.

(3) A request under subsection (2) –

Justice and Related Legislation (Miscellaneous Amendments) Act
2025
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s. 5

Part 2 – Coroners Act 1995 Amended

- (a) is to be made in writing to a coronial authority; and
 - (b) may relate to a specific coronial record, or all coronial records, prepared in respect of the deceased person to whom the request relates.
- (4) A coronial authority may not refuse a request under subsection (2), in respect of a coronial record, unless the coronial authority is satisfied, on reasonable grounds, that –
 - (a) the coronial record is unable to be released by virtue of section 57, or another provision of this Act or any other Act; or
 - (b) the release of the coronial record to the senior next of kin would be –
 - (i) an unreasonable intrusion on the privacy of a person referred to in the record, other than the deceased person to whom the request relates; and
 - (ii) contrary to the public interest due to that intrusion on the privacy of the person; or

Justice and Related Legislation (Miscellaneous Amendments) Act
2025
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Part 2 – Coroners Act 1995 Amended

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- (c) the release of the coronial record would be likely to prejudice –
 - (i) the investigation of a breach, or possible breach, of the law; or
 - (ii) the enforcement or proper administration of the law; or
 - (iii) the fair trial of a person; or
 - (d) the release of the coronial record would be contrary to national security or personal security.
- (5) If a coronial authority is satisfied that subsection (4) applies in respect of a coronial record, the coronial authority may redact or modify a copy of the record to the extent necessary, in the opinion of the coronial authority, to enable the record to be released under this section.
- (6) A coronial authority may order that a coronial record, released to a senior next of kin under this section, not be published.
- (7) A coronial authority may only make an order under subsection (6) if the coronial authority is satisfied, on reasonable grounds, that the publication of the

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Part 2 – Coroners Act 1995 Amended

coronial record is contrary to the public interest.

- (8) A person must not publish a coronial record contrary to an order under subsection (6).

Penalty: Fine not exceeding 50 penalty units.

- (9) If a senior next of kin who has made a request under this section is aggrieved by one or more of the following decisions under this section in respect of the request, the senior next of kin may appeal the decision:

- (a) a decision that a record is not a coronial record for the purposes of the request;
- (b) a decision that subsection (4) applies in respect of a coronial records to which the request relates including, but not limited to, whether an intrusion on the privacy of a person is unreasonable;
- (c) the making of an order under subsection (6) in respect of a coronial record released under the request.

- (10) An appeal under subsection (9) is to be determined by –

Justice and Related Legislation (Miscellaneous Amendments) Act
2025
Act No. of 2025

Part 2 – Coroners Act 1995 Amended

s. 5

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- (a) if the appeal relates to a decision of a coronial authority other than the Chief Magistrate, the Chief Magistrate; and
 - (b) if the appeal relates to a decision of the Chief Magistrate as a coronial authority, the Supreme Court.
 - (11) A person aggrieved by a decision of the Chief Magistrate under subsection (10)(a) may appeal the decision to the Supreme Court.
 - (12) On the hearing of an appeal under subsection (9) or (11), the person determining the appeal may –
 - (a) affirm the decision specified in subsection (9) to which the appeal relates; or
 - (b) quash that decision and make any further orders as the person thinks fit in the circumstances.

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2025
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s. 6

Part 3 – Corrections Act 1997 Amended

PART 3 – CORRECTIONS ACT 1997 AMENDED

6. Principal Act

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

7. Section 68 amended (Statutory non-parole period)

Section 68(2)(b) of the Principal Act is amended by omitting “an order under section 19 of the *Sentencing Act 1997*” and substituting “a declaration under section 7 of the *Dangerous Criminals and High Risk Offenders Act 2021*”.

8. Section 69 amended (Prisoner not to be released on parole in certain circumstances)

Section 69(2) of the Principal Act is amended by omitting “section 19 of the *Sentencing Act 1997*” and substituting “section 7 of the *Dangerous Criminals and High Risk Offenders Act 2021*”.

*No. 51 of 1997

Justice and Related Legislation (Miscellaneous Amendments) Act
2025
Act No. of 2025

Part 4 – Tasmanian Civil and Administrative Tribunal Act 2020 Amended

s. 9

**PART 4 – TASMANIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL ACT 2020 AMENDED**

9. Principal Act

In this Part, the *Tasmanian Civil and Administrative Tribunal Act 2020** is referred to as the Principal Act.

10. Section 98 amended (Representation)

Section 98(3) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “Act; or” and substituting “Act.”;
- (b) by omitting paragraph (c).

*No. 24 of 2020

Justice and Related Legislation (Miscellaneous Amendments) Act
2025
Act No. of 2025

s. 11 Part 5 – Workers Rehabilitation and Compensation Act 1988 Amended

**PART 5 – WORKERS REHABILITATION AND
COMPENSATION ACT 1988 AMENDED**

11. Principal Act

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

12. Section 3 amended (Interpretation)

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

- (a) by omitting the definition of *accredited person* and substituting the following definition:

accredited person means –

- (a) in relation to the issuing of a certificate under this Act –
- (i) a nurse practitioner acting in accordance with section 77I; and
- (ii) a person accredited under section 77C; and

*No. 4 of 1988

Justice and Related Legislation (Miscellaneous Amendments) Act
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Part 5 – Workers Rehabilitation and Compensation Act 1988 Amended

s. 13

- (b) in any other case, a person
accredited under section
77C;
- (b) by inserting the following definition after
the definition of *notified dispute*:

nurse practitioner means a person
registered under the Health
Practitioner Regulation National
Law (Tasmania) in the nursing
profession who is endorsed by the
Nursing and Midwifery Board of
Australia to practise as a nurse
practitioner;

13. Section 77I inserted

After section 77H of the Principal Act, the
following section is inserted in Division 2A:

**77I. Nurse practitioner taken to be accredited in
certain circumstances**

- (1) A nurse practitioner is taken to be an
accredited person for the purpose of
issuing a certificate under this Act if the
nurse practitioner –
 - (a) is employed, or engaged, as a
nurse practitioner –
 - (i) in an emergency
department of a public
hospital, or private

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s. 13 Part 5 – Workers Rehabilitation and Compensation Act 1988 Amended

hospital, within the meaning of the *Health Service Establishments Act 2006*; or

(ii) in prescribed circumstances or for a prescribed purpose; and

(b) in issuing the certificate, is acting in accordance with that employment or engagement and within the scope of practice that applies to the nurse practitioner in that employment or engagement; and

(c) issues the certificate in accordance with the protocol in force, under subsection (3), at the time when the certificate is to be issued.

(2) The Secretary of the responsible Department in relation to the *Health Service Establishments Act 2006* is to prepare a protocol that specifies the circumstances in which, or the conditions under which, a nurse practitioner may issue a certificate under this Act.

(3) A protocol prepared under subsection (2) –

Justice and Related Legislation (Miscellaneous Amendments) Act
2025
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Part 5 – Workers Rehabilitation and Compensation Act 1988 Amended

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- (a) must be approved by both of the following, before the protocol is in force:
 - (i) the Secretary of the responsible Department in relation to the *Health Service Establishments Act 2006*;
 - (ii) the Board; and
 - (b) comes into force 7 days after it has the approvals required under paragraph (a) or on such later day as is specified in the protocol; and
 - (c) is to be published on the website maintained by, or on behalf of, the Department responsible for the *Health Service Establishments Act 2006* while the protocol is in force.