

FACT SHEET

Justice and Related Legislation (Miscellaneous Amendments) Bill 2016

This Bill contains a number of minor and non-controversial amendments to a variety of Justice administered Acts. Specifically the Bill:

- Amends section 23AA of the *Acts Interpretation Act 1931* to incorporate into that section the content of section 8 of the *Administrative Arrangements Act 1990*. Both sections deal with delegation and ensures that the provisions are contained in a single Act;
- Repeals section 8 of the *Administrative Arrangements Act 1990*;
- Amends section 3 and part 2 of Schedule 1 of the *Annulled Convictions Act 2003*, as requested by the Commonwealth, to change references to the “Australian Customs Service” to “Department of Immigration and Border Protection” and remove reference to “section 4 of the *Customs Administration Act 1985*”;
- Amends the *Coroners Act 1995* to:
 - make the language of section 3A(d) and (g) gender neutral; and
 - clarify section 53; and
 - inserts a new section 59B to enable a Coroner to order the Commissioner of Police to make evidentiary material safe or destroy or otherwise dispose of it if it cannot be safely or practicably held. The Commissioner of Police must ensure that a photographic or audio-visual record is taken of the evidentiary material and where practical samples of the evidentiary material are taken;
- Amends section 17 of the *Criminal Procedure (Attendance of Witnesses) Act 1996* to allow, unless otherwise ordered by a judge, the payment of prosecution witness expenses including the expenses of those who have attended to give evidence but were not required to give evidence and also to allow a judge to order the payment of expenses to any person who attends for the purpose of giving evidence;
- Amends section 160 of the *Evidence Act 2001* to reflect new Australia Post minimum delivery standards for priority and regular letters;
- Amends the *Legal Profession Act 2007* to expand the power of the costs assessor so that the party who is ordered to pay the costs of the assessment may also be ordered to pay a fee of up to 4% of the sum assessed to the Court;
- Amends the *Personal Information Protection Act 2004* to:
 - provide that a personal information custodian may disclose information to the Solicitor General, the Director of Public Prosecutions or Crown Solicitor relevant for the purpose of obtaining legal advice; and

- amend section 19 to provide that if the Ombudsman has made preliminary inquiries the Ombudsman may resolve the complaint without investigation in certain circumstances;
- Amends section 87 of the *Public Interest Disclosures Act 2002* to include the Integrity Commission in the list of bodies to whom a person must not provide false information;
- Amends the *Registration to Work with Vulnerable People Act 2013* by:
 - Amending section 49A to allow an employer to be notified of the immediate or interim suspension of a registered person; and
 - Amending section 52A to clarify that the Registrar can request or require information from an entity, not just a relevant entity;
- Amends section 25(3) of the *Residential Tenancy Act 1997* to change the time limit from 3 working days to 10 working days; and
- Amends section 7 of the *Victims of Crime Compensation Act 1994* so that the time of payment is automatically set unless the court orders payment in less than 28 days after the date of sentencing.