

FACT SHEET

Justice and Related Legislation (Further Miscellaneous Amendments) Bill 2023

The purpose of this Bill is to ensure legislation remains up-to-date, to correct minor errors or deficiencies that have become apparent after legislation has been operational for some time, and to address issues that have arisen in existing Acts because of the passing of other amending legislation.

The Bill amends 15 Acts; seven Justice-related Acts, and six Acts administered by the Department of State Growth or the Department of Natural Resources and Environment Tasmania, which require minor consequential amendments following the establishment of the Tasmanian Civil and Administrative Tribunal (TASCAT). The remaining two Acts are administered by the Department of Premier and Cabinet.

The Justice and Related Legislation (Further Miscellaneous Amendments) Bill 2023 amends the following:

- The *Crimes at Sea Act 1999* by inserting a new map of the permanent maritime boundaries between Australia and Timor-Leste established under a new treaty.
- The *Criminal Code Act 1924* to provide that the three month time limit within which an application for a judge alone trial can be made is to commence from the date of the accused person's first appearance in the Supreme Court pursuant to the order committing them to trial.
- The *Dangerous Criminals and High Risk Offenders Act 2021* to provide a discretionary power for the Supreme Court to order behavioural or management reports at any time after a High Risk Offender application is made.
- The *Magistrates Court (Civil Division) Act 1992* to provide an alternative legislative mechanism for setting the rate of interest on debts and judgements that aligns to the rates of interest that apply in the Supreme Court.
- The *Ombudsman Act 1978* to allow for the Ombudsman to undertake preliminary inquiries for the purpose of ascertaining if an investigation should be carried out on the Ombudsman's own motion.
- The *Public Accounts Committee Act 1970* and *Public Works Committee Act 1914* to refer to the correct Parliamentary Privilege Act and correct corresponding provisions.

The Bill also makes a number of minor technical amendments to other Acts, which have been identified since the passage of the *Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Act 2021*. These amendments are to correct redundant references to legislation and tribunals.

References to the now-repealed *Resource Management and Planning Appeal Tribunal Act 1993* (RMPAT Act) still appear in the following:

- *Goldamere Pty Ltd (Agreement) Act 1996*;
- *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016*;
- *Urban Drainage Act 2013*.

The Bill amends those Acts by omitting references to the RMPAT Act and substituting the *Tasmanian Civil and Administrative Tribunal Act 2020* (the TASCAT Act).

A further three Acts contain references to former Tribunals whose powers and functions were transferred to TASCAT:

- The *Nature Conservation Act 2002* contains references to the former Forest Practices Tribunal. This Bill removes those references, and in the definition of 'arbitrator' substitutes the former Tribunal with TASCAT.
- The *Appeal Costs Fund Act 1968* contains references to the former Workers Rehabilitation and Compensation Tribunal and the former Asbestos Compensation Tribunal. The Bill removes these references and introduces a new defined term "Tribunal" which means TASCAT.
- The *Workers' (Occupational Diseases) Relief Fund Act 1954* contains references to the former Workers Rehabilitation and Compensation Tribunal. The Bill replaces these references with TASCAT.

The *Workers Rehabilitation and Compensation Act 1988* contains two references to section 63 of that Act, which is now repealed. This Bill removes those references and substitutes the relevant sections of the TASCAT Act.

The Bill is to commence on Royal Assent.