

TASMANIA

**JUSTICE AND RELATED LEGISLATION
(FURTHER MISCELLANEOUS AMENDMENTS)
BILL 2023**

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**JUSTICE AND RELATED LEGISLATION
(FURTHER MISCELLANEOUS AMENDMENTS)
BILL 2023**

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*
17 October 2023

*(Brought in by the Minister for Justice, the Honourable Elise
Nicole Archer)*

A BILL FOR

An Act to amend the *Appeal Costs Fund Act 1968*, the *Crimes at Sea Act 1999*, the *Criminal Code Act 1924*, the *Dangerous Criminals and High Risk Offenders Act 2021*, the *Goldamere Pty Ltd (Agreement) Act 1996*, the *Magistrates Court (Civil Division) Act 1992*, the *Nature Conservation Act 2002*, the *Ombudsman Act 1978*, the *Public Accounts Committee Act 1970*, the *Public Works Committee Act 1914*, the *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016*, the *Tasmanian Civil and Administrative Tribunal Act 2020*, the *Urban Drainage Act 2013*, the *Workers Rehabilitation and Compensation Act 1988* and the *Workers' (Occupational Diseases) Relief Fund Act 1954*

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:

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023
Act No. of 2023*

s. 1

Part 1 – Preliminary

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Justice and Related
Legislation (Further Miscellaneous
Amendments) Act 2023*.

2. Commencement

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

3. Repeal of Act

This Act is repealed on the first anniversary of
the day on which it commenced.

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023
Act No. of 2023*

Part 2 – Appeal Costs Fund Act 1968 Amended

s. 4

PART 2 – APPEAL COSTS FUND ACT 1968 AMENDED

4. Principal Act

In this Part, the *Appeal Costs Fund Act 1968** is referred to as the Principal Act.

5. Section 2 amended (Interpretation)

Section 2 of the Principal Act is amended as follows:

- (a) by omitting “other appeal.” from the definition of *sequence of appeals* and substituting “other appeal;”;
- (b) by inserting the following definition after the definition of *sequence of appeals*:

Tribunal means the Tasmanian Civil and Administrative Tribunal.

6. Section 5A amended (Annual statement to Workplace Safety Board of Tasmania)

Section 5A(1) of the Principal Act is amended as follows:

- (a) by omitting “Workers Rehabilitation and Compensation Tribunal established under the *Workers Rehabilitation and*

*No. 57 of 1968

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023
Act No. of 2023*

s. 7

Part 2 – Appeal Costs Fund Act 1968 Amended

Compensation Act 1988” and substituting
“Tribunal”;

- (b) by omitting “that Act” and substituting
“the *Workers Rehabilitation and
Compensation Act 1988*”;
- (c) by inserting “under that Act” after
“made”.

**7. Section 5B amended (Annual statement to Asbestos
Compensation Commissioner)**

Section 5B(1) of the Principal Act is amended as
follows:

- (a) by omitting “Asbestos Compensation
Tribunal established under the *Asbestos-
Related Diseases (Occupational
Exposure) Compensation Act 2011*” and
substituting “Tribunal”;
- (b) by omitting “that Act” first occurring and
substituting “the *Asbestos-Related
Diseases (Occupational Exposure)
Compensation Act 2011*”.

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023*
Act No. of 2023

Part 3 – Crimes at Sea Act 1999 Amended

s. 8

PART 3 – CRIMES AT SEA ACT 1999 AMENDED

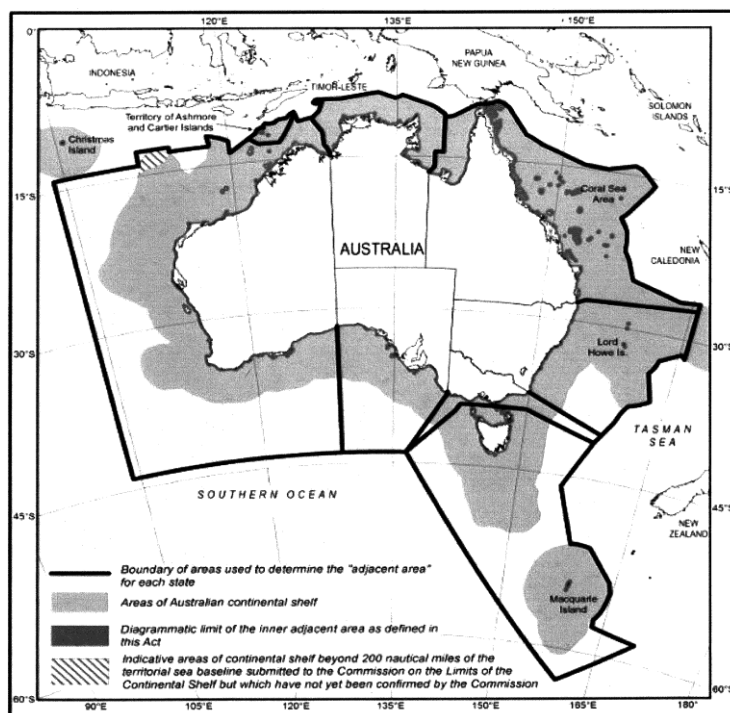
8. Principal Act

In this Part, the *Crimes at Sea Act 1999** is referred to as the Principal Act.

9. Principal Act amended

The Principal Act is amended by omitting the Annexure and substituting the following Annexure:

ANNEXURE



*No. 11 of 1999

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023
Act No. of 2023*

s. 10

Part 4 – Criminal Code Act 1924 Amended

PART 4 – CRIMINAL CODE ACT 1924 AMENDED

10. Principal Act

In this Part, the *Criminal Code Act 1924** is referred to as the Principal Act.

11. Section 361AA amended (Trial by judge alone)

Section 361AA(2)(a) of the Principal Act is amended by omitting “been committed to trial for the crime” and substituting “first appeared before the Supreme Court in respect of the crime”.

*No. 69 of 1924

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023*
Act No. of 2023

Part 5 – Dangerous Criminals and High Risk Offenders Act 2021 Amended

s. 12

**PART 5 – DANGEROUS CRIMINALS AND HIGH RISK
OFFENDERS ACT 2021 AMENDED**

12. Principal Act

In this Part, the *Dangerous Criminals and High Risk Offenders Act 2021** is referred to as the Principal Act.

13. Section 34 amended (Hearing of application)

Section 34 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) After receiving an application in relation to an offender, the Supreme Court may make one or more of the following orders:
 - (a) an order for the Chief Psychiatrist under the *Mental Health Act 2013* to provide to the Court, by the date specified in the order, a report, prepared by a psychiatrist, psychologist or medical practitioner, as to the likelihood of the offender committing another serious offence unless an HRO order is made in relation to the offender;

*No. 2 of 2021

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023
Act No. of 2023*

s. 13 Part 5 – Dangerous Criminals and High Risk Offenders Act 2021 Amended

- (b) if a copy of a behavioural report or a management report was provided to the DPP under section 27(4) in respect of the offender, an order for an updated report to be provided to the Court by the date specified in the order;
- (c) if a behavioural report or a management report was not provided to the DPP under section 27(4) in respect of the offender, either or both of the following reports be provided to the Court by the date specified in the order:
 - (i) a behavioural report within the meaning of section 27(2);
 - (ii) a management report, within the meaning of section 27(3), by the relevant agency specified in the order or, if no agency is so specified, by any relevant agency.

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023*
Act No. of 2023

Part 6 – Goldamere Pty Ltd (Agreement) Act 1996 Amended

s. 14

**PART 6 – GOLDAMERE PTY LTD (AGREEMENT)
ACT 1996 AMENDED**

14. Principal Act

In this Part, the *Goldamere Pty Ltd (Agreement) Act 1996** is referred to as the Principal Act.

15. Section 8 amended (Application of Environmental Legislation, &c., to ABM Project)

Section 8 of the Principal Act is amended by omitting “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”.

*No. 30 of 1996

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023
Act No. of 2023*

s. 16

Part 7 – Magistrates Court (Civil Division) Act 1992 Amended

**PART 7 – MAGISTRATES COURT (CIVIL DIVISION)
ACT 1992 AMENDED**

16. Principal Act

In this Part, the *Magistrates Court (Civil Division) Act 1992** is referred to as the Principal Act.

17. Section 23 amended (Interpretation of Division)

Section 23 of the Principal Act is amended by omitting the definition of *prescribed rate* and substituting the following definition:

prescribed rate, in relation to a judgment, means the prescribed rate referred to in section 35A of the *Supreme Court Civil Procedure Act 1932*, as in force at the time at which the judgment is given.

18. Section 24 repealed

Section 24 of the Principal Act is repealed.

19. Section 26 amended (Interest on judgments)

Section 26(1) of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

*No. 27 of 1992

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023*
Act No. of 2023

Part 7 – Magistrates Court (Civil Division) Act 1992 Amended

s. 19

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- (a) the rate of interest that applied, under section 165 of the *Supreme Court Civil Procedure Act 1932*, at the time at which the judgment was entered; or

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023
Act No. of 2023*

s. 20

Part 8 – Nature Conservation Act 2002 Amended

**PART 8 – NATURE CONSERVATION ACT 2002
AMENDED**

20. Principal Act

In this Part, the *Nature Conservation Act 2002**
is referred to as the Principal Act.

21. Section 33 amended (Interpretation of Part)

Section 33 of the Principal Act is amended as
follows:

- (a) by omitting “to the Forest Practices Tribunal” from paragraph (b) of the definition of *affected owner*;
- (b) by omitting “to the Forest Practices Tribunal” from paragraph (c) of the definition of *affected owner*;
- (c) by omitting “Forest Practices Tribunal” from the definition of *arbitrator* and substituting “Tasmanian Civil and Administrative Tribunal”;
- (d) by omitting the definition of *Forest Practices Tribunal*.

*No. 63 of 2002

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023*
Act No. of 2023

Part 9 – Ombudsman Act 1978 Amended

s. 22

PART 9 – OMBUDSMAN ACT 1978 AMENDED

22. Principal Act

In this Part, the *Ombudsman Act 1978** is referred to as the Principal Act.

23. Section 20A amended (Ombudsman may make preliminary inquiries)

Section 20A(1) of the Principal Act is amended by inserting “an investigation should be carried out on the Ombudsman’s own motion or” after “if”.

*No. 82 of 1978

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023
Act No. of 2023*

s. 24

Part 10 – Public Accounts Committee Act 1970 Amended

**PART 10 – PUBLIC ACCOUNTS COMMITTEE ACT
1970 AMENDED**

24. Principal Act

In this Part, the *Public Accounts Committee Act 1970** is referred to as the Principal Act.

25. Section 7 amended (Evidence before Committee)

Section 7(11) of the Principal Act is amended as follows:

- (a) by omitting “*Parliamentary Privilege Act 1957*” and substituting “*Parliamentary Privilege Act 1858*”;
- (b) by omitting “Division” and substituting “section”.

*No. 54 of 1970

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023*
Act No. of 2023

Part 11 – Public Works Committee Act 1914 Amended

s. 26

**PART 11 – PUBLIC WORKS COMMITTEE ACT 1914
AMENDED**

26. Principal Act

In this Part, the *Public Works Committee Act 1914** is referred to as the Principal Act.

27. Section 22 amended (Power to take evidence)

Section 22(2) of the Principal Act is amended by omitting “*Parliamentary Privilege Act 1957*” and substituting “*Parliamentary Privilege Act 1858*”.

*No. 32 of 1914

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023*
Act No. of 2023

s. 28 Part 12 – Strategic Infrastructure Corridors (Strategic and Recreational Use)
Act 2016 Amended

**PART 12 – STRATEGIC INFRASTRUCTURE
CORRIDORS (STRATEGIC AND RECREATIONAL
USE) ACT 2016 AMENDED**

28. Principal Act

In this Part, the *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016** is referred to as the Principal Act.

29. Section 56 amended (Applications for permitted development in relation to land within, or adjoining, corridor)

Section 56(3)(b) of the Principal Act is amended by omitting “section 14 of the *Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “clause 7(3) of Part 8 of Schedule 2 to the *Tasmanian Civil and Administrative Tribunal Act 2020*”.

*No. 50 of 2016

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023
Act No. of 2023*

Part 13 – Tasmanian Civil and Administrative Tribunal Act 2020 Amended

s. 30

**PART 13 – TASMANIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL ACT 2020 AMENDED**

30. Principal Act

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

31. Schedule 2 amended (General Division)

Clause 9 of Part 8 of Schedule 2 to the Principal Act is amended as follows:

- (a) by omitting from subclause (6)(b) “this subsection” and substituting “this clause”;
- (b) by omitting from subclause (7)(c) “this subsection” and substituting “this clause”.

*No. 24 of 2020

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023
Act No. of 2023*

s. 32

Part 14 – Urban Drainage Act 2013 Amended

PART 14 – URBAN DRAINAGE ACT 2013 AMENDED

32. Principal Act

In this Part, the *Urban Drainage Act 2013** is referred to as the Principal Act.

33. Section 15 amended (Power of authorised officers to carry out work on or adjacent to public land)

Section 15(11) of the Principal Act is amended by omitting “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”.

*No. 71 of 2013

*Justice and Related Legislation (Further Miscellaneous
Amendments) Act 2023
Act No. of 2023*

Part 15 – Workers Rehabilitation and Compensation Act 1988 Amended

s. 34

**PART 15 – WORKERS REHABILITATION AND
COMPENSATION ACT 1988 AMENDED**

34. Principal Act

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

35. Section 62 amended (Orders of Tribunal final)

Section 62 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “section 63” and substituting “section 136(1) of the *Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (b) by omitting from subsection (4) “section 63” and substituting “section 137(1) of the *Tasmanian Civil and Administrative Tribunal Act 2020*”.

36. Section 77G amended (Appeals)

Section 77G(7) of the Principal Act is amended by omitting “section 63” and substituting “section 136(1) of the *Tasmanian Civil and Administrative Tribunal Act 2020*”.

*No. 4 of 1988

Part 16 – Workers’ (Occupational Diseases) Relief Fund Act 1954
Amended