

## CLAUSE NOTES

### *Justice and Related Legislation Miscellaneous Amendments Bill 2022*

#### PART 1

**Clause 1      Short title**

Provides that the Act may be cited as the *Justice and Related Legislation Miscellaneous Amendments Act 2022*.

**Clause 2      Commencement**

Provides for the amendments to commence on the day on which the Act receives the Royal Assent.

#### PART 2

**Clause 3      Principal Act**

Provides that the Principal Act being amended in Part 2 is the *Animal Welfare Act 1993*.

**Clause 4      Section 43 amended (custody of animals)**

This clause amends section 43(1)(a) of the Principal Act by extending the operation of the provision to convictions for the crime of bestiality under the *Criminal Code*.

#### PART 3

**Clause 5      Principal Act**

Provides that the Principal Act being amended in Part 3 is the *Births, Deaths and Marriages Registration Act 1999*.

**Clause 6      Long title amended**

This clause updates the long title of the Principal Act by deleting the words 'uniform legislation in relation to the registration of births, deaths and marriages and to provide for the rights of persons who have undergone sexual reassignment surgery' and substituting 'the registration of births, deaths and marriages and to provide legal recognition for trans and gender-diverse Tasmanians and those with intersex variations of sex characteristics'. The update to the long title is required given amendments made to the Principal Act.

**Clause 7                      Section 24 amended (Application to register change of child's name)**

Subsection (3) of section 24 is omitted and substituted with a requirement that a magistrate may approve a proposed change of name for a child if satisfied that either the proposed change of name is consistent with the will and preference of the child, or, if satisfied both that the child is unable to understand the meaning and implications of the proposed change of name and that the proposed name change is in the best interests of the child.

**PART 4**

**Clause 8                      Principal Act**

Provides that the Principal Act being amended in Part 4 is the *Coroners Act 1995*.

**Clause 9                      Section 58B inserted**

This clause introduces section 58B to the Principal Act, which requires the Chief Clerk (Coronial Division) to ensure certain information relating to the operation of the Act, as prescribed in the regulations, is provided to the senior next of kin and interested persons at an early stage of a coronial investigation.

**PART 5**

**Clause 10                    Principal Act**

Provides that the Principal Act being amended in Part 5 is the *Criminal Code Act 1924*.

**Clause 11                    Schedule 1 (*Criminal Code*) amended**

The interpretation section of the Principal Act, section 1, is amended by inserting the term 'bestiality' and a definition of that term.

The Principal Act is further amended by amending section 122 to clarify that the crime of bestiality is not committed if an act is carried out for a genuine veterinary, agricultural or scientific research purpose, and the act was, in the circumstances reasonable for that purpose.

**PART 6**

**Clause 12                    Principal Act**

Provides that the Principal Act being amended in Part 8 is the *Dangerous Criminals and High Risk Offenders Act 2021*.

**Clause 13                    Section 32A inserted**

This clause inserts a new provision into the Principal Act to provide for the disclosure of certain confidential information by the Parole Board to the DPP.

## PART 7

**Clause 14      Principal Act**

Provides that the Principal Act being amended in Part 7 is the *Monetary Penalties Enforcement Act 2005*.

**Clause 15      Section 27 amended (Application to Director for variation of payment conditions)**

Amends section 27(2)(a) of the Principal Act by deleting the words 'the approved form' and substituting 'a manner approved by the Director', so that the Director has discretion to approve non-written applications.

## PART 8

**Clause 16      Principal Act**

Provides that the Principal Act being amended in Part 8 is the *Sex Industry Offences Act 2005*.

**Clause 17      Section 3 amended (Interpretation)**

The interpretation section of the Principal Act is amended by omitting the words 'section 1 of the *Criminal Code*' from the definition of sexual intercourse, and substituting the correct reference 'section 2B of the *Criminal Code*'.

## PART 9

**Clause 18      Principal Act**

Provides that the Principal Act being amended in Part 9 is the *Traffic Act 1925*.

**Clause 19      Section 32 amended (Reckless driving)**

Inserts subsection (8) into section 32 of the Principal Act, which allows a complaint for the offences of reckless driving causing death, and reckless driving causing grievous bodily harm, to be made at any time within 12 months after the date of the offence.

## PART 10

**Clause 20      Repeal of Act**

This automatically repeals the amending legislation after the Act commences. The provisions that the amending legislation inserts into the Principal Acts still remain in force after the repeal of the Amending Act.