

TASMANIA

**JUSTICE AND RELATED LEGISLATION
(MISCELLANEOUS AMENDMENTS) BILL (No. 2)
2024**

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**JUSTICE AND RELATED LEGISLATION
(MISCELLANEOUS AMENDMENTS) BILL (No. 2)
2024**

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

A BILL FOR

An Act to amend the *Criminal Code Act 1924, Dangerous Criminals and High Risk Offenders Act 2021, Electoral Act 2004, Evidence Act 2001, Family Violence Act 2004, Forensic Procedures Act 2000, Gas Safety Act 2019, Health Complaints Act 1995, Integrity Commission Act 2009, Justices Act 1959, Justices of the Peace Act 2018 and the Occupational Licensing Act 2005*

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 (No. 2) 2024*.

2. Commencement

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

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

s. 3

Part 1 – Preliminary

3. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

Part 2 – Criminal Code Act 1924 Amended

s. 4

PART 2 – CRIMINAL CODE ACT 1924 AMENDED

4. Principal Act

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

5. Schedule 1 amended (*Criminal Code*)

Schedule 1 to the Principal Act is amended as follows:

(a) by inserting the following subsection after subsection (2) in section 2B:

(3) This section is to be taken to be in force from 4 April 1924.

(b) by inserting the following subsection before subsection (1) in section 14A:

(1AA) In this section –

relevant sexual offence
means –

(a) an offence against section 124, 124A, 125A, 125B, 125C, 126, 127 or 185; or

(b) an offence against section 170A, in respect of

*No. 69 of 1924

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

s. 5

Part 2 – Criminal Code Act 1924 Amended

particulars alleging
offences against
section 124, 125B, 126,
127 or 185.

- (c) by omitting from section 14A(1) “an offence against section 124, 125B, 127 or 185” and substituting “a relevant sexual offence”;
- (d) by omitting from section 14A(2) “an offence against section 124, 125B or 185” and substituting “a relevant sexual offence”;
- (e) by omitting from section 14A(2)(b) “section 124, 125B or 185” and substituting “section 124, 124A, 125A, 125B, 125C, 126, 127 or 185”;
- (f) by omitting “*Criminal Code Amendment (Sexual Assault) Act 2017*,” from the definition of *amending Act* in section 461(1) and substituting “*Criminal Code Amendment (Sexual Assault) Act 2017*.”;
- (g) by omitting the definition of *relevant amendments* from section 461(1);
- (h) by omitting subsection (2) from section 461;
- (i) by inserting the following section after section 465:

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

Part 2 – Criminal Code Act 1924 Amended

s. 5

466. Application of *Justice and Related Legislation (Miscellaneous Amendments) Bill (No. 2) 2024*

The amendment, to section 2B of this Act, made by section 5 of the *Justice and Related Legislation (Miscellaneous Amendments) Bill (No. 2) 2024* does not apply in respect of proceedings determined before the commencement of that Act.

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

s. 6 Part 3 – Dangerous Criminals and High Risk Offenders Act 2021 Amended

**PART 3 – DANGEROUS CRIMINALS AND HIGH RISK
OFFENDERS ACT 2021 AMENDED**

6. Principal Act

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

7. Section 37 amended (Interim HRO orders)

Section 37(1)(b) of the Principal Act is amended by omitting “would, if proved, justify” and substituting “would be likely, if proved, to justify”.

*No. 2 of 2021

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

Part 4 – Electoral Act 2004 Amended

s. 8

PART 4 – ELECTORAL ACT 2004 AMENDED

8. Principal Act

In this Part, the *Electoral Act 2004** is referred to as the Principal Act.

9. Section 186 amended (Offences relating to voting)

Section 186(1) of the Principal Act is amended by omitting paragraph (n) and substituting the following paragraphs:

- (n) vote at an Assembly election after having voted at an election in respect of another division of the Assembly held contemporaneously with the first-mentioned Assembly election; or
- (o) vote at a Council election after having voted at an election in respect of another division of the Council held contemporaneously with the first-mentioned Council election.

*No. 51 of 2004

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

s. 10

Part 5 – Evidence Act 2001 Amended

PART 5 – EVIDENCE ACT 2001 AMENDED

10. Principal Act

In this Part, the *Evidence Act 2001** is referred to as the Principal Act.

11. Section 194M amended (Evidence relating to sexual experience)

Section 194M(1) of the Principal Act is amended by inserting “section 170A,” after “charged under”.

*No. 76 of 2001

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

Part 6 – Family Violence Act 2004 Amended

s. 12

PART 6 – FAMILY VIOLENCE ACT 2004 AMENDED

12. Principal Act

In this Part, the *Family Violence Act 2004** is referred to as the Principal Act.

13. Section 29D amended (Review of declaration of serial family violence perpetrator)

Section 29D of the Principal Act is amended as follows:

(a) by inserting the following subsection after subsection (1):

(1A) A police officer of the rank of sergeant or above, or a person authorised by the Commissioner of Police, may make an application to a court or judge (*a review application*) for a review of a declaration, made by a magistrate, of an offender as a serial family violence perpetrator.

(b) by inserting in subsection (4)(a) “or subsection (1A)” after “subsection (1)”;

(c) by omitting paragraph (b) from subsection (4) and substituting the following paragraph:

*No. 67 of 2004

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

s. 13

Part 6 – Family Violence Act 2004 Amended

- (b) a review application under subsection (2) is to be served on the following persons:
 - (i) if the review application is made in relation to a declaration made by a judge, the DPP;
 - (ii) if the review application is made in relation to a declaration made by a magistrate, the Commissioner of Police.

**PART 7 – FORENSIC PROCEDURES ACT 2000
AMENDED**

14. Principal Act

In this Part, the *Forensic Procedures Act 2000** is referred to as the Principal Act.

15. Section 63 amended (Disclosure of information)

Section 63 of the Principal Act is amended by inserting after subsection (3) the following subsection:

- (3A) Despite subsection (3), a person may disclose information, that is revealed by the carrying out of a forensic procedure and is forensic material specified in paragraph (b) of the definition of *forensic material*, to a person in any jurisdiction of the Commonwealth, for the following lawful purposes:
- (a) the investigation of an offence, or offences generally;
 - (b) to be used in making a decision whether to institute proceedings for an offence;
 - (c) to assist in analysis of evidence for the purposes of proceedings for an offence;

*No. 101 of 2000

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

s. 15

Part 7 – Forensic Procedures Act 2000 Amended

- (d) to be used or assist in proceedings for an offence;
- (e) to identify a deceased person or identify or locate a missing person or a victim of a disaster;
- (f) a criminal history check or for inclusion in a lawful application for a licence;
- (g) to assist in the processing of a visa application, or for purposes in relation to immigration or border protection measures of the Commonwealth.

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

Part 8 – Gas Safety Act 2019 Amended

s. 16

PART 8 – GAS SAFETY ACT 2019 AMENDED

16. Principal Act

In this Part, the *Gas Safety Act 2019** is referred to as the Principal Act.

17. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by inserting “, or a fuel cell,” after “engine” in the definition of *automotive gas fuel system*.

*No. 2 of 2019

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

s. 18

Part 9 – Health Complaints Act 1995 Amended

**PART 9 – HEALTH COMPLAINTS ACT 1995
AMENDED**

18. Principal Act

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

19. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting paragraph (a) from the definition of *health service* and substituting the following paragraph:

- (a) a service specified in Part 1 of Schedule 1, but does not include a service specified in Part 2 of Schedule 1;

20. Schedule 1 amended (Health Services)

Schedule 1 to the Principal Act is amended as follows:

- (a) by inserting the following item after item 12 in Part 1:

13. A prescribed service.

- (b) by inserting the following item after item 2 in Part 2:

3. A prescribed service.

*No. 95 of 1995

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

Part 10 – Integrity Commission Act 2009 Amended

s. 21

**PART 10 – INTEGRITY COMMISSION ACT 2009
AMENDED**

21. Principal Act

In this Part, the *Integrity Commission Act 2009** is referred to as the Principal Act.

22. Section 23 amended (Joint Standing Committee on Integrity)

Section 23(2) of the Principal Act is amended as follows:

- (a) by omitting “6” and substituting “an even number, that is not less than 6 and not more than 8, of”;
- (b) by omitting from paragraph (a) “3” and substituting “half”;
- (c) by omitting from paragraph (b) “3” and substituting “half”.

23. Schedule 5 amended (Meetings of Joint Standing Committee on Integrity)

Clause 1(1) of Schedule 5 to the Principal Act is amended by omitting “Any 3 members of the Joint Committee,” and substituting “Half of the total number of members of the Joint Committee”.

*No. 67 of 2009

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

s. 24

Part 11 – Justices Act 1959 Amended

PART 11 – JUSTICES ACT 1959 AMENDED

24. Principal Act

In this Part, the *Justices Act 1959** is referred to as the Principal Act.

25. Section 71 amended (Petty crimes triable summarily)

Section 71(1) of the Principal Act is amended by inserting after paragraph (ab) the following paragraph:

- (ac) section 253A of the *Criminal Code*, if the value of property obtained or delivered, or the benefit gained or detriment caused, does not exceed \$20 000; or

26. Section 72 amended (Other crimes triable summarily)

Section 72(1) of the Principal Act is amended by inserting after paragraph (c) the following paragraph:

- (ca) under section 253A of the *Criminal Code*, if the value of property obtained or delivered, or the benefit gained or detriment caused, exceeds \$20 000 but does not exceed \$100 000; or

*No. 77 of 1959

Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024

Part 12 – Justices of the Peace Act 2018 Amended

s. 27

**PART 12 – JUSTICES OF THE PEACE ACT 2018
AMENDED**

27. Principal Act

In this Part, the *Justices of the Peace Act 2018** is referred to as the Principal Act.

28. Section 5 amended (Appointment of justice)

Section 5(1) of the Principal Act is amended by inserting “the Secretary or” after “by” in paragraph (d) of the definition of *eligible person*.

29. Section 6 substituted

Section 6 of the Principal Act is repealed and the following section is substituted:

6. Exercise of powers

An appointed justice is not entitled to exercise any of the powers of the office of Justice of the Peace until the appointed justice has –

- (a) taken the judicial oath in accordance with the *Promissory Oaths Act 2015* on that appointment; and

*No. 15 of 2018

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

s. 30

Part 12 – Justices of the Peace Act 2018 Amended

- (b) been allocated, and notified of, a registration number under section 38.

30. Section 7 amended (Application for reappointment as appointed justice)

Section 7 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “6 months” and substituting “12 months”;
- (b) by omitting subsection (2).

31. Section 8 amended (Reappointment as Justice of the Peace)

Section 8(3) of the Principal Act is amended by omitting “2 years” and substituting “5 years”.

32. Section 12 amended (Validity of acts of justice)

Section 12(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (d) “appointment.” and substituting “appointment; or”;
- (b) by inserting the following paragraph after paragraph (d):
 - (e) the appointment of the justice had expired before the doing of the

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

Part 12 – Justices of the Peace Act 2018 Amended

s. 33

act but, at the time of the doing of the act, the justice was unaware of the expiry and had acted in good faith with regard to the doing of the act.

33. Section 16 amended (Providing information to Secretary)

Section 16 of the Principal Act is amended by omitting subsection (2).

34. Section 38 amended (Register of justices)

Section 38 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1)(b) “under subsection (3)(a)” after “allocated”;
- (b) by inserting the following subsection after subsection (2):
 - (3) The Secretary is to –
 - (a) allocate a unique registration number to each appointed justice as soon as practicable after the appointed justice takes the judicial oath as required under section 6(a); and

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

s. 34

Part 12 – Justices of the Peace Act 2018 Amended

- (b) notify, in writing, each appointed justice of the registration number allocated to that appointed justice as soon as practicable after allocating the number.

*Justice and Related Legislation (Miscellaneous Amendments) Act
(No. 2) 2024
Act No. of 2024*

Part 13 – Occupational Licensing Act 2005 Amended

s. 35

**PART 13 – OCCUPATIONAL LICENSING ACT 2005
AMENDED**

35. Principal Act

In this Part, the *Occupational Licensing Act 2005** is referred to as the Principal Act.

36. Schedule 2 amended (Occupations, Trades and Callings to Which this Act Applies)

Schedule 2 to the Principal Act is amended by inserting in clause 1 of Division 2 of Part 2 “, or a fuel cell,” after “engine”.

*No. 47 of 2005