TASMANIA

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JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) ACT 2026

No. 25 of 2026

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JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) ACT 2026

No. 25 of 2026

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*, *Justices Act 1959*, *Justices of the Peace Act 2018* and the *Occupational Licensing Act 2005*

[Royal Assent 20 November 2026]

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 2026*.

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This Act is repealed on the first anniversary of the day on which it commenced.

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, 124B, 124C, 125A, 125B, 125C, 126, 127 or 185; or

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

*No. 69 of 1924

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, 124B, 124C, 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:

466. Application of *Justice and Related Legislation (Miscellaneous Amendments) Act 2026*

The amendment, to section 2B of this Act, made by section 5 of the *Justice and Related Legislation (Miscellaneous Amendments) Act 2026* does not apply in respect of proceedings determined before the commencement of that Act.

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

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

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

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

(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) For the avoidance of doubt, a reference to an offence in subsection (3) is a reference to an offence under the law of this State or the law of another State, a Territory or the Commonwealth.

16. Section 63 further amended (Disclosure of information)

Section 63 of the Principal Act is amended as follows:

(a) by inserting the following paragraph after paragraph (d) in subsection (2):

(da) the purpose of the Australian Crime Commission's national policing information functions

*No. 101 of 2000

under section 7A(fa) of the *Australian Crime Commission Act 2002* of the Commonwealth and in accordance with that Act;

(b) by inserting the following paragraph after paragraph (d) in subsection (3):

(da) for the purpose of the Australian Crime Commission's national policing information functions under section 7A(fa) of the *Australian Crime Commission Act 2002* of the Commonwealth and in accordance with that Act;

PART 8 – GAS SAFETY ACT 2019 AMENDED

17. Principal Act

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

18. 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

PART 9 – HEALTH COMPLAINTS ACT 1995 AMENDED

19. Principal Act

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

20. 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;

21. 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

PART 10 – JUSTICES ACT 1959 AMENDED

22. Principal Act

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

23. 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

24. 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

PART 11 – JUSTICES OF THE PEACE ACT 2018 AMENDED

25. Principal Act

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

26. 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*.

27. 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

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

28. 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).

29. 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".

30. 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

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.

31. Section 16 amended (Providing information to Secretary)

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

32. 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

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

PART 12 – OCCUPATIONAL LICENSING ACT 2005 AMENDED

33. Principal Act

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

34. 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

Justice and Related Legislation (Miscellaneous Amendments) Act 2026
Act No. 25 of 2026

[Second reading presentation speech made in:–
House of Assembly on 19 May 2026
Legislative Council on 20 August 2026]