

**DRAFT SECOND READING SPEECH****HON GUY BARNETT MP****Justice and Related Legislation (Miscellaneous Amendments) Bill  
2026***\*check Hansard for delivery\**

Honourable Speaker, I move that the Bill now be read a second time.

I am pleased to introduce this Bill, which makes minor amendments that update and clarify five different pieces of legislation related to the Tasmanian Civil and Administrative Tribunal (TASCAT). The Bill amends two Acts and one set of Regulations within my Justice portfolio. The Bill also makes consequential amendments to two Acts that are justice-related, falling under the responsibility of the Minister for Local Government.

The amendments contained in the Bill may be minor in nature, but Bills of this kind demonstrate our commitment to continually improving the law whenever the opportunity arises, to ensure it is clear and consistent.

TASCAT operates in streams, which is an effective and convenient way to ensure that matters that are similar are dealt with under the same laws and by Tribunal members who have appropriate knowledge and skills.

As a result of separate amendments to the *Tasmanian Civil and Administrative Tribunal Act 2020* (TASCAT Act) that were made in 2023 and 2025, matters under the *Retirement Villages Act 2004* are currently allocated to both the Resource and Planning stream and the Administrative stream. For clarity and ease of administration, clauses 9 and 14(b) of the Bill amend the Retirement Villages Act and the TASCAT Act so that these matters are only heard in the Administrative stream, which has been identified by TASCAT as the preferred stream.

Clause 13 inserts transitional provisions into the TASCAT Act that apply to any retirement village proceedings already being heard in the Tribunal's Resource and Planning stream at the time these changes commence.

A minor amendment to the *Local Government Act 1993* is included in clause 7 of the Bill, to replace a reference to the Magistrates Court (Administrative Appeals Division) with a reference to TASCAT. This is to reflect that TASCAT now hears the relevant matters.

Clause 5 of the Bill makes a minor amendment to the *Local Government (Highways) Act 1982* to remove a requirement that, when TASCAT hears matters under section 46(7) of that Act, it must include a person with expertise or experience in road construction engineering as a panel member. TASCAT has found this provision unnecessarily restrictive, as panel members with this niche expertise are not always available or required. The TASCAT Act includes provisions that are sufficiently broad to ensure that appropriately qualified panel members are chosen for the particular matter they are going to hear. Those provisions already allow TASCAT to appoint panel members with expertise in 'engineering', and this may include a person with road construction engineering experience where that specific knowledge is necessary.

The Bill also makes some other changes to the TASCAT Act to enhance clarity. Most of these changes are very minor. For example, several definitions are being removed from Schedule 3 because the terms that they define are no longer used in that Schedule. There are also minor amendments to Schedule 2 to the TASCAT Act, such as an amendment to separate out 'planning' and 'resource economics' as different areas of expertise for panel members. A minor error previously resulted in these two disciplines being listed as one.

Clauses 11 and 17 of the Bill relate to the Tribunal's ability under section 115 of the TASCAT Act to make an order to extend or shorten a time limit that applies during proceedings. At the moment, TASCAT can only make this order on its own initiative. The Bill substitutes a new section 115 that would allow a party to proceedings to apply to have this order made. To ensure that TASCAT can cover its costs in relation to this new class of application, a fee has also been included for these applications in the Tasmanian Civil and Administrative Tribunal Regulations 2021.

The fee is that same as the relevant fee for all similar applications made to TASCAT, and it is set at 60 fee units. I note that under regulation 10 of the TASCAT Regulations 2021, if a registrar of the Tribunal is of the opinion that payment by a person of a fee in relation to proceedings may cause the person financial hardship, the registrar may reduce, waive or refund part or all of the fee. That capacity of a registrar will, of course, also apply to this new fee.

I would like to thank our valued stakeholders who contributed to the Bill during the consultation period. Our Government is committed to ensuring that the public have the opportunity to comment on laws that may affect them. Through the generous donation of public time, the laws that we develop are made stronger.

Honourable Speaker, I commend the Bill to the House.