

**CLAUSE NOTES****Justice and Related Legislation (Miscellaneous Amendments) Bill  
2026****PART 1 - PRELIMINARY****Clause 1 Short title**

Specifies the name of the proposed Act.

**Clause 2 Commencement**

Provides that the Act commences on the day on which it receives the Royal Assent.

**Clause 3 Repeal of Act**

This provision automatically repeals the amending legislation (this Act) on the first anniversary after the Act commences. The provisions that are amended by this Act in the listed Principal Acts remain in force after the repeal of this amending Act.

**PART 2 – LOCAL GOVERNMENT (HIGHWAYS) ACT 1982  
AMENDED****Clause 4 Principal Act**

Provides that the Principal Act being amended in Part 2 is the *Local Government (Highways) Act 1982*.

**Clause 5 Section 46 amended (Permission to carry out various works in relation to highways)**

This clause amends the Principal Act to repeal section 46(10), which requires the Tasmanian Civil and Administrative Tribunal (TASCAT) to include a panel member with expertise or experience in 'road construction engineering' in any hearing under section 46(7) of the Principal Act.

Section 46(10) is unnecessary because the *Tasmanian Civil and Administrative Tribunal Act 2020* (TASCAT Act) contains provisions that provide sufficient flexibility for TASCAT to appoint members with expertise appropriate to a specific matter.

[Clause 4\(1\)\(b\) of Part 8 of Schedule 2](#) of the TASCAT Act applies to these matters and includes that panel members with expertise in

'engineering' may be appointed (which includes the sub-type of road construction engineering).

[Clause 4\(2\) of Part 8 of Schedule 2](#) ensures that, in determining which members should constitute the Tribunal for these matters, the President is to consider the nature of the issues, the particular expertise of each proposed member, how publicly important or complex the issues are and the need for TASCAT to operate in an efficient manner.

### **PART 3 – LOCAL GOVERNMENT ACT 1993 AMENDED**

**Clause 6      Principal Act**

Provides that the Principal Act being amended in Part 3 is the *Local Government Act 1993*.

**Clause 7      Section 28ZK amended (Notification of determination of code of conduct complaint)**

This clause amends the Principal Act to replace the reference to the Magistrates Court in section 28ZK(6) with a reference to TASCAT instead. This is because TASCAT hears these matters now and the reference needs to be updated.

### **PART 4 – RETIREMENT VILLAGES ACT 2004 AMENDED**

**Clause 8      Principal Act**

Provides that the Principal Act being amended in Part 4 is the *Retirement Villages Act 2004*.

**Clause 9      Section 14B amended (Tribunal may order increase in recurrent charges in certain circumstances)**

This clause amends the Principal Act to remove a provision that only relates to matters that are determined in the Resource and Planning stream. Matters under this Act are now to be heard in a different stream of TASCAT (the Administrative stream).

### **PART 5 – TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 2020 AMENDED**

**Clause 10     Principal Act**

Provides that the Principal Act being amended in Part 5 is the *Tasmanian Civil and Administrative Tribunal Act 2020*.

**Clause 11     Section 115 substituted**

This clause substitutes a new section 115 into the Principal Act.

Section 115 currently enables the *Tasmanian Civil and Administrative Tribunal Rules 2021* (the Rules) to provide for the Tribunal to extend or abridge a time limit for doing anything in connection with any proceedings or the commencement of proceedings.

[Rule 11](#) of the Rules gives effect to section 115 in relation to any proceedings that are already before the Tribunal (but not the commencement of any proceedings). While section 115 permits the Tribunal to extend or abridge time limits on its own initiative, it does not enable another person or party to apply to the Tribunal to exercise this power.

The scope of the new section 115 is broader, allowing an applicant or another party to proceedings to request the Tribunal to extend or shorten a time limit.

**Clause 12 Section 160A inserted**

This clause amends the Principal Act to insert a new section 160A. This new section ensures that amending the *Tasmanian Civil and Administrative Tribunal Regulations 2021* (the Regulations) through this Act does not prevent the Regulations from being amended by the Governor in Council in future (as is the usual process).

**Clause 13 Section 162 inserted**

This clause inserts a new section 162 into the Principal Act to ensure that any proceedings under the *Retirement Villages Act 2004* that have already commenced in the Resource and Planning stream of TASCAT can be finalised in that stream, in spite of the other changes contained in this Act (which will result in these matters being heard in the Administrative stream in future).

**Clause 14 Schedule 2 amended (General Division)**

This clause amends the Principal Act to make minor and technical changes to Schedule 2 to ensure that the law is clear and consistent.

The amendment in paragraph (a) involves fixing a minor error in the list at clause 4(1)(b) of Part 8 of Schedule 2 to separate 'planning' and 'resource economics', because these are two separate areas of expertise.

The amendment in paragraph (b) ensures that matters under the *Retirement Villages Act 2004* are determined in the Administrative stream of TASCAT from now on.

**Clause 15      Schedule 3 amended (Protective Division)**

This clause amends the Principal Act to make minor and technical changes to Schedule 3 to ensure that the law is clear and consistent. These changes involve the removal of definitions that are not needed, because the terms they define are not used anywhere else within Schedule 3 to the Principal Act.

**PART 6 – TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL REGULATIONS 2021 AMENDED**

**Clause 16      Principal Regulations**

Provides that the Principal Regulations being amended in Part 6 are the *Tasmanian Civil and Administrative Tribunal Regulations 2021*.

**Clause 17      Schedule 2 amended (Fees)**

This clause amends the Principal Regulations to introduce a fee for applications to extend or shorten a time limit. The fee charged will be the same as the fee for all similar applications in [Schedule 2](#), being 60 fee units.