

CLAUSE NOTES

Mutual Recognition (Tasmania) Amendment Bill 2021

- Clause 1** This Act may be cited as the *Mutual Recognition (Tasmania) Amendment Act 2021*.
- Clause 2** This Act commences on a day to be proclaimed.
- Clause 3** In this Act, the *Mutual Recognition (Tasmania) Act 1993* is referred to as the Principal Act.
- Clause 4** Amends section 3 of the Principal Act by removing a now redundant subsection 3(2).
- Clause 5** Amends section 4 of the Principal Act by updating the reference to when the adoption of the Commonwealth law that establishes the Automatic Mutual Recognition (AMR) scheme ends.
- Clause 5 removes the previous subsections 4(3) and (4) and creates a new subsection 4(3) to adopt the new AMR scheme under Commonwealth law.
- Clause 5 also inserts a new subsection 4(4) to indicate that the adoption of the AMR scheme under Commonwealth law commences when this Act commences. This subsection also specifies when this adoption ends.
- Clause 6** Inserts a new section, '4A. Termination of adoptions' into the Principal Act. This section allows the Governor to fix, by proclamation, a day on which an adoption of the Commonwealth law terminates.
- Clause 7** Updates the citation to the Commonwealth law in section 5 of the Principal Act.
- This clause also removes the requirement for the States and Territories to approve the terms of proposed amendments to the Commonwealth law.
- Additionally, this clause removes a timing subsection that is now redundant.
- Clause 8** Removes section 6 in the Principal Act which provided that the Governor may approve proposed amendments to the Commonwealth law by proclamation. This is no longer required due to the updates made to the referral power.
- The new section 6 requires that a Governor's proclamation to terminate the adoption of the Commonwealth law or terminate the referral to the Australian Parliament is not to be made unless it is first approved by each House of the Tasmanian Parliament.
- Clause 9** This Act is repealed on the first anniversary after it commences.