

TASMANIA

**STATUTORY APPOINTMENTS (VALIDATION)
BILL 2016**

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**STATUTORY APPOINTMENTS (VALIDATION)
BILL 2016**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
22 September 2016

*(Brought in by the Premier, the Honourable William Edward
Felix Hodgman)*

A BILL FOR

An Act to validate certain appointments to offices and certain actions and decisions made by persons who held such offices or by certain bodies constituted by such persons

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:

1. Short title

This Act may be cited as the *Statutory Appointments (Validation) Act 2016*.

2. Commencement

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

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3. Interpretation

In this Act, unless the contrary intention appears –

commencement day means the day on which this Act commences;

relevant Act means an Act specified in Schedule 1;

relevant body means a tribunal, board, commission, or committee, established or continued by or under a relevant Act;

relevant office means an office under a relevant Act;

relevant period means the period beginning on 9 April 2008 and ending immediately before the commencement day;

relevant practising certificate means –

- (a) a practising certificate within the meaning of the *Legal Profession Act 1993*; and
- (b) a current local practising certificate within the meaning of the *Legal Profession Act 2007*; and
- (c) a current interstate practising certificate, within the meaning of the *Legal Profession Act 2007*.

4. Validation of certain appointments to offices, decisions &c.

- (1) If a person was, on any day before the commencement day, appointed, or purportedly appointed, to a relevant office –
- (a) the appointment, or purported appointment, is not to be taken to have been invalid at any time during the relevant period; and
 - (b) an action or decision taken or made, or purportedly taken or made, at any time during the relevant period by the person as the holder, or purportedly as the holder, of the relevant office is not to be taken to be, or to have been, invalid –

by reason only that at any time, or for any period, whether before, on or after the day on which he or she was appointed, or purportedly appointed, to the relevant office, the person did not hold a relevant practising certificate.

- (2) A relevant body is not to be taken to have been invalidly constituted at any time during the relevant period by reason only that a person by whom the relevant body was at that time, constituted, or purportedly constituted, in whole or in part, did not, at or before that time or for any period before that time, hold a relevant practising certificate.
- (3) An action or decision taken or made, or purportedly taken or made, at any time during the relevant period, by a relevant body is not to

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be taken to be, or to have been, invalid by reason only that a person by whom the relevant body was constituted, or purportedly constituted, in whole or in part, at that time did not, at or before that time or for any period before that time, hold a relevant practising certificate.

5. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Justice; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Justice.

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SCHEDULE 1 – RELEVANT ACTS

Section 3

1. *Anti-Discrimination Act 1998*
2. *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011*
3. *Victims of Crime Assistance Act 1976*
4. *Legal Profession Act 2007*
5. *Forest Practices Act 1985*
6. *Guardianship and Administration Act 1995*
7. *Legal Aid Commission Act 1990*
8. *Resource Management and Planning Appeal Tribunal Act 1993*
9. *Industrial Relations Act 1984*
10. *Workers Rehabilitation and Compensation Act 1988*