

# CLAUSE NOTES

## *Validation Bill 2023*

Clause 1	<b>Short Title</b> Specifies the name by which the Act may be cited.
Clause 2	<b>Commencement</b> Provides that the Act commences on Royal Assent.
Clause 3	<b>Repeal of Act</b> This automatically repeals the amending legislation after the first anniversary of this Act commencing. The provisions inserted into the Acts remain in force after the repeal of the Act.
Clause 4	<b>Principal Act</b> Provides that in Part 2, the Principal Act that is being amended is the <i>Coroners Act 1995</i> .
Clause 5	<b>Section 18A inserted</b> This clause inserts a new section 18A in Part 3 of the Principal Act.  The new section 18A provides for the validation of certain appointments as the State Forensic Pathologist, and the performance of functions and powers by those persons so appointed.  Subsection (1) defines 'State Service legislation'.  Subsection 2 provides the Minister is taken to have validly appointed a person to the position of State Forensic Pathologist if the person had been appointed under State Service legislation to one of the specified positions, and the person believed on reasonable grounds that they had also been appointed as the State Forensic Pathologist and purportedly performed the functions and powers of the State Forensic Pathologist.  Subsection 3 provides that the new subsection 2 only applies in respect of a person while the person was appointed, under State Service legislation, to the relevant position for that person.  Subsection 4 validates functions and powers of State Forensic Pathologist, or functions purportedly performed or powers purportedly exercised, in the specified circumstances, including a requirement for good faith.  Section 35 of the Coroners Act provides that the State Forensic Pathologist may approve pathologists or medical practitioners to undertake coronial autopsies. The new subsection 5, for the avoidance of doubt, validates

relevant approvals made by a person deemed to be the State Forensic Pathologist.

**Clause 6                    Principal Act**

Provides that in Part 23, the Principal Act that is being amended is the *Legal Profession Act 2007*.

**Clause 7                    Section 660B inserted**

This clause inserts a new section 660B into Part 8.2 of the Principal Act.

Subsection 1 provides definitions for relevant terms.

Subsection 2 provides the 2012 By-laws are taken to have been validly made, and in force, under the Principal Act during the relevant period.

Further, given the validation of the 2012 By-laws, subsection 3 provides actions taken under the 2012 By-laws are not invalid solely on the basis that the action was taken during the relevant period. Paragraphs (a) to (n) outline actions undertaken under the 2012 By-laws that are validated by the Act.

Subsection 4 is an avoidance of doubt provision. The subsection provides that the new subsection 3 applies to each occurrence of an action specified in that subsection that occurred during the relevant period (defined as 1 December 2012 – 31 January 2023).