



TASMANIA

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## **VALIDATION ACT 2023**

**No. 8 of 2023**

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## VALIDATION ACT 2023

No. 8 of 2023

*An Act to amend the Coroners Act 1995 and the Legal Profession Act 2007*

[Royal Assent 23 June 2023]

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:

### PART 1 – PRELIMINARY

#### 1. Short title

This Act may be cited as the *Validation Act 2023*.

#### 2. Commencement

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

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**3. Repeal of Act**

This Act is repealed on the first anniversary of the day on which it commenced.

## **PART 2 – CORONERS ACT 1995 AMENDED**

### **4. Principal Act**

In this Part, the *Coroners Act 1995*\* is referred to as the Principal Act.

### **5. Section 18A inserted**

After section 18 of the Principal Act, the following section is inserted in Part 3:

#### **18A. Validation of certain appointments**

(1) In this section –

*appointed under State Service legislation*, in respect of an office or position, includes –

- (a) an appointment to the office, or position, under the *State Service Act 2000* or the *Tasmanian State Service Act 1984*; and
  - (b) acting under a direction under section 21A of the *Acts Interpretation Act 1931* in respect of the office or position.
- (2) For the purposes of this Act, the Minister is taken to have validly appointed a person to the position of the State Forensic Pathologist under this Act if –

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\*No. 73 of 1995

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- (a) on or after the commencement of this Act, but before the commencement of the *Validation Act 2023*, the person was appointed under State Service legislation to one of the following offices or positions within the State Service:
  - (i) Director of Statewide Forensic Medical Health Services;
  - (ii) Director – Statewide Forensic Medical Services;
  - (iii) Director of Forensic Pathology Services;
  - (iv) Statewide Director of Forensic Pathology Services;
  - (v) Director of Forensic Pathology for Tasmania;
  - (vi) Statewide Director of Forensic Pathology;
  - (vii) Director Forensic Pathology; and
- (b) while so appointed to that office or position –

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- (i) the person believed, on reasonable grounds, that he or she had also been appointed as the State Forensic Pathologist under this Act; and
  - (ii) he or she purportedly performed the functions, and purportedly exercised the powers, of the State Forensic Pathologist.
- (3) Subsection (2) only applies in respect of a person while the person was appointed under State Service legislation to the relevant office or position for that person specified in subsection (2)(a).
- (4) A function of the State Forensic Pathologist purportedly performed, or a power of the State Forensic Pathologist purportedly exercised, by a person is taken to have been validly performed or exercised if –
  - (a) the function was performed, or the power was exercised, while the person was taken to have been appointed to the position of State Forensic Pathologist by virtue of this section; and
  - (b) the function was performed, or the power was exercised, by that person in good faith.

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Part 2 – Coroners Act 1995 Amended

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- (5) For the avoidance of doubt, a person approved under section 35 to undertake coronial autopsies is taken to have been validly approved under that section if the person was approved by a person taken to have been appointed to the position of State Forensic Pathologist by virtue of this section.

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**PART 3 – LEGAL PROFESSION ACT 2007 AMENDED**

**6. Principal Act**

In this Part, the *Legal Profession Act 2007*\* is referred to as the Principal Act.

**7. Section 660B inserted**

After section 660A of the Principal Act, the following section is inserted in Part 8.2:

**660B. Validation of by-laws**

(1) In this section –

*member* means member of the Law Society;

*relevant Council*, in respect of a decision or action taken under the 2012 By-laws during the relevant period, means the Council as constituted under the 2012 By-laws at the time at which the decision or action was taken;

*relevant period* means the period commencing on 1 December 2012 and ending on 31 January 2023;

*2012 By-laws* means the *Law Society By-laws 2010*, made at a meeting

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\*No. 24 of 2007

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of the Council of the Law Society of Tasmania on 20 October 2012 and known as Statutory Rule 114 of 2012.

- (2) The 2012 By-laws are taken to have been validly made, and in force, under this Act for the duration of the relevant period.
- (3) Each of the following actions taken, or purportedly taken, during the relevant period is not invalid solely on the basis that the action was taken during the relevant period:
  - (a) a decision made, or other action taken, by the relevant Council under the 2012 By-laws;
  - (b) a decision made, or other action taken, under the 2012 By-laws by the executive committee, of the relevant Council, elected in accordance with the 2012 By-laws;
  - (c) a decision made, or other action taken, in accordance with the 2012 By-laws that relates to the assets and finances of the Law Society;
  - (d) a decision made, or other action taken, under the 2012 By-laws by a regional committee established in accordance with the 2012 By-laws;

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- (e) a decision made, or other action taken, by the executive director of the Law Society in accordance with the 2012 By-laws;
- (f) an election held under the 2012 By-laws;
- (g) the filling of a casual vacancy, in the membership of the relevant Council, in accordance with the 2012 By-laws;
- (h) a meeting, including a general meeting, held in accordance with the 2012 By-laws;
- (i) a decision or resolution made at a meeting referred to in paragraph (h);
- (j) a resolution to expel a member, or a decision not to expel a member, that was made under the 2012 By-laws;
- (k) the suspension of a person's membership, or of a right, privilege or benefit of membership, that was made under the 2012 By-laws;
- (l) the approval of, or refusal to approve, an application made under the 2012 By-laws;

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- (m) the payment of a fee required to be paid under the 2012 By-laws;
  - (n) the affixing of the common seal of the Law Society in accordance with the 2012 By-laws.
- (4) For the avoidance of doubt, subsection (3) applies to each occurrence of an action specified in that subsection that occurred during the relevant period.

*[Second reading presentation speech made in:–  
House of Assembly on 9 May 2023  
Legislative Council on 31 May 2023]*