

Legislation (Declaration) Amendment Bill 2016

Explanatory Notes

Short title

The short title of the Bill is the Legislation (Declaration) Amendment Bill 2016.

Policy objectives and the reasons for them

The objectives of the Bill are to correct administrative errors that occurred in relation to the bills for the *Mental Health Act 2016* and the *Racing Integrity Act 2016*. These errors occurred after the bills were passed by the Parliament and meant the versions of those Acts presented to the Governor or Acting Governor for assent differed from those passed by the Parliament.

Achievement of policy objectives

The objectives are achieved by way of amendment to the *Mental Health Act 2016*, *Racing Act 2002* and *Racing Integrity Act 2016*.

Alternative ways of achieving policy objectives

There is no way of achieving the policy objectives other than to amend the *Mental Health Act 2016*, *Racing Act 2002* and *Racing Integrity Act 2016*.

Estimated cost for government implementation

There is no cost associated with the implementation of these amendments.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

The Bill demonstrates respect for the institution of Parliament, which is one of the fundamental legislative principles, by asking the Parliament to confirm the validity of legislation passed by the Parliament despite administrative errors being made when preparing copies of the legislation to be presented for assent.

Consultation

The Clerk of the Parliament has been consulted.

Due to the technical and administrative nature of these amendments, no further consultation on these amendments is considered necessary or has been undertaken.

Consistency with legislation of other jurisdictions

The Bill is specific to Queensland and is not uniform with or complementary to legislation of the Commonwealth or another State or Territory.

Notes on provisions

Part 1 Preliminary

Clause 1 states that, when enacted, the Bill will be cited as the *Legislation (Declaration) Amendment Act 2016*.

Part 2 Amendment of Mental Health Act 2016

Clause 2 states that part 2 of the Bill amends the *Mental Health Act 2016*.

Clause 3 inserts a new chapter 20A, consisting of sections 864A and 864B.

Proposed section 864A declares that to remove any doubt, it is declared that the *Mental Health Act 2016* is and always has been valid and, in particular, that the assent purportedly given to the Act on 4 March 2016 is and always has been valid. The proposed section also notes that certain provisions of the *Mental Health Act 2016* as assented to differ from the sections as passed by the Parliament. The proposed section also provides that the *Mental Health Act 2016* has effect, and has always had effect, as if the correct text (as set out in that section) had always appeared in those provisions. Due to an administrative error on the part of the Office of the Queensland Parliamentary Counsel an incorrect version of the Act was presented to the Governor for assent.

Proposed section 864B sets out that the proposed new chapter expires on the day after it commences.

Part 3 Amendment of Racing Act 2002

Clause 4 states that part 3 of the Bill amends the *Racing Act 2002*.

Clause 5 is a minor technical amendment that changes an incorrect cross-reference in the *Racing Act 2002*, section 9AI.

Part 4 Amendment of Racing Integrity Act 2016

Clause 6 states that part 4 of the Bill amends the *Racing Integrity Act 2016*.

Clause 7 inserts a new chapter 8A, consisting of sections 293A and 293B.

Proposed section 293A declares that to remove any doubt, it is declared that the *Racing Integrity Act 2016* is and always has been valid and, in particular, that the assent purportedly given to the Act on 27 April 2016 is and always has been valid. The proposed section notes that certain provisions of the *Racing Integrity Act 2016* as assented to differ from the sections as passed by the Parliament. The proposed section also provides that the *Racing Integrity Act 2016* has effect, and has always had effect, as if the correct text (as set out in that section) had

always appeared in certain provisions of the Act. Due to an administrative error on the part of the Office of the Queensland Parliamentary Counsel an incorrect version of the Act was presented to the Acting Governor for assent. Proposed section 293B sets out that the proposed new chapter expires on the day after it commences.