

TASMANIA

**OCCUPATIONAL LICENSING NATIONAL LAW
BILL 2011**

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OCCUPATIONAL LICENSING NATIONAL LAW BILL 2011

*(Brought in by the Minister for Workplace Relations, the
Honourable David James O'Byrne)*

A BILL FOR

**An Act to provide for a National Law to regulate the
licensing of certain occupations and for other purposes**

Be it enacted by His 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 *Occupational
Licensing National Law Act 2011*.

2. Commencement

- (1) The provisions of this Act commence on a day
or days to be proclaimed.
- (2) Different days may be proclaimed under
subsection (1) for the commencement of
different provisions of the Occupational
Licensing National Law set out in the Schedule
to the *Occupational Licensing National Law Act
2010* of Victoria.

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Part 1 – Preliminary

3. Interpretation

(1) In this Act –

“Occupational Licensing National Law (Tasmania)” means the provisions applying in this jurisdiction because of section 4.

(2) Terms used in this Act and also in the Occupational Licensing National Law set out in the Schedule to the *Occupational Licensing National Law Act 2010* of Victoria have the same meanings in this Act as they have in that Law.

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4. Adoption of Occupational Licensing National Law

The Occupational Licensing National Law, as in force from time to time, set out in the *Occupational Licensing National Law Act 2010* of Victoria –

- (a) applies as a law of this jurisdiction; and
- (b) as so applying may be referred to as the Occupational Licensing National Law (Tasmania); and
- (c) so applies as if it were part of this Act.

5. Exclusion of legislation of this jurisdiction

The following Acts of this jurisdiction do not apply to the Occupational Licensing National Law (Tasmania) or to instruments made under that Law:

- (a) *Acts Interpretation Act 1931*;
- (b) *Archives Act 1983*, other than to the extent that functions are being exercised under the Law by a State entity;
- (c) *Audit Act 2008*;
- (d) *Financial Management and Audit Act 1990*;

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- (e) *Ombudsman Act 1978*, other than to the extent that functions are being exercised under the Law by a State entity;
- (f) *Personal Information Protection Act 2004*, other than to the extent that functions are being exercised under the Law by a State entity and do not relate to the national registers kept under the Law;
- (g) *Right to Information Act 2009*, other than to the extent that functions are being exercised under the Law by a State entity;
- (h) *State Service Act 2000*;
- (i) *Subordinate Legislation Act 1992*.

6. Relevant court or tribunal

For the purposes of the definition of relevant court or tribunal in section 4 of the Occupational Licensing National Law (Tasmania) –

- (a) the Supreme Court is declared to be the relevant court for this jurisdiction for the purposes of section 13 of that Law; and
- (b) the Magistrates Court (Civil Division) is declared to be the relevant court for this jurisdiction for the purposes of sections 58, 59 and 60 of that Law; and
- (c) the Magistrates Court (Administrative Appeals Division) is declared to be the

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relevant court for this jurisdiction for the purposes of sections 93 and 94 of that Law.

7. Penalty at end of provision

In the Occupational Licensing National Law, a penalty specified at the end of a provision indicates that a contravention of the provision is punishable on conviction by a penalty not more than the specified penalty.

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Part 3 – Miscellaneous

PART 3 – MISCELLANEOUS

8. Regulations dealing with transitional matters

- (1) The Governor may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of this Act, including any appeals or amendments to legislation that arise as a result of the enactment of this Act.
- (2) Regulations under this section –
 - (a) may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations; and
 - (b) may authorise any matter or thing to be from time to time determined, applied, approved or regulated by any person or body specified in the regulations; and
 - (c) may have retrospective effect to a day on, or from a date not earlier than the day on, which this section commences.

9. Administration of Act

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

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