

TASMANIA

---

**TRANS-TASMAN MUTUAL RECOGNITION  
(TASMANIA) BILL 2003**

---

**CONTENTS**

1. Short title
2. Commencement
3. Interpretation
4. Adoption of Commonwealth Act
5. End of adoption of Commonwealth Act
6. Regulations for temporary exemptions
7. Validation
8. Saving of acts done due to expiry
9. Limitation of liability
10. Transitional regulations
11. Administration of Act



# **TRANS-TASMAN MUTUAL RECOGNITION (TASMANIA) BILL 2003**

*(Brought in by the Secretary to Cabinet, Steven Kons)*

## **A BILL FOR**

**An Act to adopt the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth 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:

### **Short title**

**1.** This Act may be cited as the *Trans-Tasman Mutual Recognition (Tasmania) Act 2003*.

### **Commencement**

**2. (1)** Sections 8, 9 and 10 commence on the day on which this Act receives the Royal Assent.

**(2)** The remaining provisions of this Act are taken to have commenced on 2 May 2003.

### **Interpretation**

**3.** In this Act –

**“adopted”** means adopted by this Act;

**“Commonwealth Act”** means the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth;

**“previous Act”** means the *Trans-Tasman Mutual Recognition (Tasmania) Act 1998*.

### **Adoption of Commonwealth Act**

**4. (1)** The Commonwealth Act, as originally enacted and as amended from time to time by regulations made in accordance with the Commonwealth Act, is adopted within the meaning of section 51(xxxvii) of the Constitution of the Commonwealth.

**(2)** The adoption has effect for a period commencing on the day this section commences and ending on the day fixed under section 5 as the day on which the adoption ends.

### **End of adoption of Commonwealth Act**

**5.** The Governor may, at any time, fix by regulation a day as the day on which the adoption of the Commonwealth Act under section 4(1) ends.

### **Regulations for temporary exemptions**

**6.** Without limiting any other power under any other Act, the Governor may make regulations for the purposes mentioned in section 46 of the Commonwealth Act as adopted.

**Validation**

**7. (1)** This section applies to any thing done, or purporting to have been done, after the expiry of the previous Act and before the enactment of this Act, and to which the previous Act would have had application if it had not expired.

**(2)** The thing is taken to have, and always to have had, the same effect as it would have had if the previous Act had not expired.

**(3)** However, if the thing was done because of the expiry, this section is subject to section 8.

**Saving of acts done due to expiry**

**8. (1)** The adoption of the Commonwealth Act under section 4 during the expiry period does not apply to an act done by a local registration authority during the expiry period if the act –

- (a) was done because of the expiry; and
- (b) was valid when done; and
- (c) would, except for the expiry, be invalid if the Commonwealth Act were applied to it.

**(2)** Without limiting subsection (1), the adoption of the Commonwealth Act under section 4 during the expiry period does not apply to the extent of requiring the counting of any period for the purposes of Part 3 of the Commonwealth Act during the expiry period.

**(3)** Subsection (2) does not apply to the counting of a period by a local registration authority for the purposes of Part 3 of the Commonwealth Act, if the local registration authority counted the period despite the expiry.

(4) In this section, a reference to the doing of an act includes a reference to the making of an omission.

(5) In this section –

“**expiry**” means the expiry of the previous Act;

“**expiry period**” means the period between the expiry and the commencement of this section;

“**local registration authority**” means a local registration authority as defined under the Commonwealth Act in relation to Tasmania.

### **Limitation of liability**

**9. (1)** A person is not liable for any loss or damage arising from any thing to which section 7(2) applies if the person would not have been liable for the loss or damage if the previous Act had not expired before the thing was done or purported to be done.

(2) A person is not liable for any loss or damage arising out of any act of a local registration authority during the expiry period to the extent the act is done –

- (a) on the basis that the previous Act had expired;  
or
- (b) on the basis that the previous Act had not expired or as if the previous Act had not expired; or
- (c) on the basis that the Commonwealth Act would again be adopted for Tasmania, whether or not for the expiry period.

(3) In this section –

**“expiry period”** means the period between the expiry of the previous Act and the commencement of this section;

**“local registration authority”** means a local registration authority as defined under the Commonwealth Act in relation to Tasmania;

**“person”** includes the State and a local registration authority.

### **Transitional regulations**

**10. (1)** The Governor may make regulations to make provision about a matter for which –

- (a) it is necessary to make provision –
  - (i) to allow or facilitate the doing of any thing to achieve the transition from the operation of the previous Act to the operation of this Act; or
  - (ii) without limiting subparagraph (i), to provide for any thing done or not done between the expiry of the previous Act and the enactment of this Act; and
- (b) this Act does not make provision or sufficient provision.

**(2)** The regulations may have retrospective effect to a day not earlier than 2 May 2003.

**Administration of Act**

**11.** 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 Treasurer; and
- (b) the department responsible to the Treasurer in relation to the administration of this Act is the Department of Treasury and Finance.