

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

**AMENDMENTS AGREED TO IN COMMITTEE**

**1 Clause 2—**

At page 6, line 6, ‘section 12’—

*omit, insert—*

‘sections 10A to 10C and 12’.

**2 Clause 10—**

At page 8, after line 13—

*insert—*

‘(3) However, if the thing was done because of the expiry, this section is subject to section 10A.’

**‘10A Saving of acts done due to expiry**

‘(1) The adoption of the Commonwealth Act under section 5 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.

*Example—*

If the lodgement of a notice was refused because of the expiry, the adoption of the Commonwealth Act under section 5 does not apply to that refusal so as to make it invalid.

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‘(2) Without limiting subsection (1), the adoption of the Commonwealth Act under section 5 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.

*Example if notice given before expiry period—*

If a notice was lodged under part 3 of the Commonwealth Act before the expiry period and a local registration authority did not deal with the notice during the expiry period, no part of the expiry period is counted in deciding the period that has passed since the notice was lodged. The counting of the period recommences on the enactment of this Act.

*Example if notice given during expiry period—*

If a notice was purportedly lodged under part 3 of the Commonwealth Act during the expiry period and a local registration authority did not deal with the notice because of the expiry, no part of the expiry period is counted in deciding the period that has passed since the notice was lodged. The counting of the period commences on the enactment of this Act.

‘(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 Queensland.

### **‘10B Limitation of liability**

‘(1) A person is not liable for any loss or damage arising from anything to which section 10(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 Queensland, 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 Queensland.

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

### ‘10C Transitional regulation-making power

‘(1) A regulation (a “**transitional regulation**”) may make provision about a matter for which—

(a) it is necessary to make provision—

- (i) to allow or facilitate the doing of anything 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 anything 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) A transitional regulation may have retrospective operation to a day not earlier than 1 May 2003.

‘(3) A transitional regulation must declare it is a transitional regulation.

‘(4) This section and any transitional regulation expire 1 year after the commencement of this section.’.