



Trans-Tasman Mutual Recognition (Queensland) Act 2003

Current as at 26 March 2010—revised version

Reprint note

The attachment, which contained a copy of Commonwealth legislation, has been omitted from this version of this reprint. The attachment did not form part of the Act.

For an up-to-date version of the Commonwealth legislation, see the Federal Register of Legislation website.

The expiry of section 13 was not correctly incorporated into an earlier version of this reprint.

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Queensland

Trans-Tasman Mutual Recognition (Queensland) Act 2003

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Trans-Tasman Mutual Recognition (Queensland) Act 2003

An Act to adopt the *Trans-Tasman Mutual Recognition Act 1997* (Cwlth), and for other purposes

1 Short title

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

2 Commencement

This Act, other than sections 11 to 13, is taken to have commenced on 1 May 2003.

3 Purpose

The purpose of this Act is to adopt the *Trans-Tasman Mutual Recognition Act 1997* (Cwlth).

4 Definitions

In this Act—

adopted means adopted by this Act.

Commonwealth Act means the *Trans-Tasman Mutual Recognition Act 1997* (Cwlth).

previous Act means the *Trans-Tasman Mutual Recognition (Queensland) Act 1999*.

5 Adoption of the Commonwealth Act

- (1) The Commonwealth Act, as originally enacted and as amended from time to time by regulations made under the

Commonwealth Act, is adopted under the Commonwealth of Australia Constitution Act, section 51(xxxvii).

Editor's note—

The Commonwealth of Australia Constitution Act, section 51 provides—

‘51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

...

(xxxvii.) matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law;’.

- (2) The adoption has effect for a period commencing on the day this section commences and ending on the day fixed under section 6 as the day on which the adoption ends.

6 End of adoption of the Commonwealth Act

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

7 Endorsing proposed regulations under the Commonwealth Act

- (1) The Governor may make a gazette notice for the Commonwealth Act, section 43(1), as adopted.
- (2) A gazette notice under subsection (1) is subordinate legislation.

8 Regulation-making power

The Governor in Council may make regulations under the Commonwealth Act, section 46, as adopted.

9 Attachment—Commonwealth Act

- (1) Attached to this Act is a copy of the Commonwealth Act as adopted.
- (2) The attachment is not part of this Act.
- (3) The attachment must be revised so that it is an accurate copy of the Commonwealth Act as amended from time to time and adopted under section 5(1).
- (4) The revision under subsection (3) must happen in the first reprint of this Act after an amendment of the Commonwealth Act.

Editor's note—

The attachment has been omitted from this reprint. For an up-to-date version of the Commonwealth legislation, see the Federal Register of Legislation (ComLaw) website.

10 Validation

- (1) This section applies to anything 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 11.

11 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.

- (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.

12 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.

14 Review of Act

The Minister must review this Act by 30 April 2008 to decide whether the provisions of this Act remain appropriate.