

NORTHERN TERRITORY OF AUSTRALIA

EDUCATION AND CARE SERVICES (NATIONAL UNIFORM
LEGISLATION) AMENDMENT ACT 2019

Act No. 28 of 2019

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 28 of 2019

An Act to amend the *Education and Care Services (National Uniform Legislation) Act 2011* and the *Education (Infringement Notice) Regulations 2019*

[Assented to 3 September 2019]
[Introduced 16 May 2019]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Education and Care Services (National Uniform Legislation) Amendment Act 2019*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Education and Care Services (National Uniform Legislation) Act 2011

3 Act amended

This Part amends the *Education and Care Services (National Uniform Legislation) Act 2011*.

4 Section 3 amended (Interpretation)

- (1) Section 3(1)
omit
- (2) Section 3(2)
omit
the local application provisions of
- (3) Section 3(3)
omit, insert
- (3) Terms used in this Act and also in the Education and Care Services National Law set out in the Schedule to the *Education and Care Services National Law Act 2010* (Vic) have the same meanings in this Act as they have in that Law.

5 Section 4 amended (Adoption of Education and Care Services National Law)

- (1) Section 4, before "The"
insert
- (1)
- (2) Section 4
omit
set out in the Appendix to this Act
insert
, as in force from time to time, set out in the Schedule to the *Education and Care Services National Law Act 2010* (Vic)
- (3) Section 4, at the end
insert
- (2) Section 303(4) of the Education and Care Services National Law set out in the Schedule to the *Education and Care Services National Law Act 2010* (Vic) does not apply as a law of this jurisdiction.

6 Section 5 repealed (Uniform adoption of nationally approved amendments to Education and Care Services National Law)

Section 5

repeal

7 Section 7 amended (Exclusion of legislation of this jurisdiction)

Section 7(3)

omit

the local application provisions of

8 Section 9 amended (Meaning of other terms)

Section 9(3)

omit

the *Education (Infringement Notice) Regulations 2010*

insert

regulations made under this Act

9 Section 16A inserted

After section 16, in Part 3

insert

16A Delegation

The Regulatory Authority may, in writing, delegate any of the Regulatory Authority's powers and functions under any regulations made under this Act to a person.

10 Part 4, Division 1 heading inserted

Before section 17

insert

Division 1 Transitional matters for Education and Care Services (National Uniform Legislation) Act 2011

11 Part 4, Division 2 inserted

After section 17

insert

**Division 2 Transitional matters for Education and Care
Services (National Uniform Legislation)
Amendment Act 2019**

18 Definition

In this Division:

commencement means the commencement of section 5 of the *Education and Care Services (National Uniform Legislation) Amendment Act 2019*.

19 Continuation of the national law

The *Education and Care Services National Law (NT)* as in force after the commencement is taken to be a continuation of the *Education and Care Services National Law (NT)* as in force immediately before the commencement.

20 Continuation of the national regulations

The national regulations as in force under sections 301 and 324 of the *Education and Care Services National Law (NT)* after the commencement are taken to be a continuation of the national regulations as in force under the Appendix immediately before the commencement.

21 General transitional provision

Any statutory instrument made or other thing done under the Appendix or the national regulations before the commencement, or having effect as if made or done, and which could have been made or done under the *Education and Care Services National Law (NT)* or national regulations as in force after the commencement, has effect as if made or done under the *Education and Care Services National Law (NT)* or national regulations as in force after the commencement.

22 **Meaning of terms used in transitional provisions for the Education and Care Services (National Uniform Legislation) (Act Amendment) Regulation 2017**

- (1) For the definition **commencement day** in section 325 of the *Education and Care Services National Law (NT)* the date of commencement is taken to be 1 October 2017.
- (2) For the definition **commencement day** in section 332 of the *Education and Care Services National Law (NT)* the date of commencement is taken to be 1 February 2018.

12 **Appendix repealed (Education and Care Services National Law)**

Appendix

repeal

Part 3 **Amendment of Education (Infringement Notice) Regulations 2019**

13 **Regulations amended**

This Part amends the *Education (Infringement Notice) Regulations 2019*.

14 **Regulation 1 amended (Citation)**

omit

Education (Infringement Notice) Regulations 2019

insert

Education and Care Services (National Uniform Legislation) (Infringement Notice) Regulations 2019

15 **Regulation 3 amended (Definitions)**

Regulation 3, definitions ***infringement notice*** and ***prescribed amount***

omit

Education and Care Services National Law

insert

Education and Care Services National Law (NT)

16 Regulation 4 amended (Infringement notice offence)

Regulation 4(a) and (b)

omit

Education and Care Services National Law

insert

Education and Care Services National Law (NT)

17 Regulation 7 amended (Withdrawal of infringement notice)

Regulation 7(1)

omit

Chief Executive Officer

insert

Regulatory Authority

Part 4 Repeal of Act

18 Repeal of Act

This Act is repealed on the day after it commences.