

Serial 70

Water Efficiency Labelling and Standards (National Uniform Legislation)  
Bill 2014

Mr Chandler

A Bill for an Act to apply as a law of the Territory a national law relating to  
water efficiency labelling and standards, and for related purposes

# NORTHERN TERRITORY OF AUSTRALIA

## WATER EFFICIENCY LABELLING AND STANDARDS (NATIONAL UNIFORM LEGISLATION) ACT 2014

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Act No. [ ] of 2014

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. [ ] of 2014

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An Act to apply as a law of the Territory a national law relating to water efficiency labelling and standards, and for related purposes

[Assented to [ ] 2014]  
[Second reading [ ] 2014]

**The Legislative Assembly of the Northern Territory enacts as follows:**

## **Part 1                      Preliminary matters**

### **1                      Short title**

This Act may be cited as the *Water Efficiency Labelling and Standards (National Uniform Legislation) Act 2014*.

### **2                      Purpose of Act**

- (1) The purpose of this Act is to adopt in the Territory a uniform national approach to the regulation of water efficiency labelling and standards.
- (2) Accordingly, this Act:
  - (a) applies the Commonwealth water efficiency laws as a law of the Territory; and
  - (b) makes provision to enable the Commonwealth water efficiency laws and the applied provisions to be administered on a uniform basis by the Commonwealth as if they constituted a single law of the Commonwealth.

### 3 Interpretation

(1) In this Act:

***applied provisions*** means the Commonwealth water efficiency laws that apply as a law of the Territory because of section 5, including any modification under section 6.

***Commonwealth administrative laws*** means the following Commonwealth Acts and regulations:

- (a) the *Administrative Appeals Tribunal Act 1975* (excluding Part IVA);
- (b) the *Freedom of Information Act 1982*;
- (c) the *Ombudsman Act 1976*;
- (d) the *Privacy Act 1988*;
- (e) the regulations in force under any of those Acts.

***Commonwealth Regulator*** means the WELS Regulator appointed under the *Water Efficiency Labelling and Standards Act 2005* (Cth).

***Commonwealth water efficiency laws*** means:

- (a) the *Water Efficiency Labelling and Standards Act 2005* (Cth); and
- (b) all regulations, guidelines, principles, standards and codes of practice in force under that Act.

***function*** includes a duty.

***modify*** includes add to, omit and substitute.

***offence*** includes a contravention for which a civil penalty may be imposed.

- (2) Terms used in this Act and also in the *Water Efficiency Labelling and Standards Act 2005* (Cth) have the same meanings in this Act as they have in that Act.
- (3) In this Act, a reference to a Commonwealth Act includes a reference to:
  - (a) that Commonwealth Act, as amended and in force for the time being; and

- (b) if another Act is substituted for that Commonwealth Act – the substituted Act as amended and in force for the time being.

#### **4                      Act binds Crown**

This Act binds the Crown in right of the Territory and, to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

## **Part 2                      Applied provisions**

### **5                      Application of Commonwealth laws as a law of Territory**

- (1) The Commonwealth water efficiency laws, as in force from time to time and as modified by or under this Act, apply as a law of the Territory.
- (2) The Commonwealth water efficiency laws so apply as if they extended to matters in relation to which the Territory may make laws:
  - (a) whether or not the Commonwealth may make laws in relation to those matters; and
  - (b) even though the Commonwealth water efficiency laws provide that they apply only to specified matters with respect to which the Commonwealth may make laws.

### **6                      Modification of Commonwealth water efficiency laws**

- (1) Regulations under this Act may also modify the Commonwealth water efficiency laws for the purposes of this Act.
- (2) Without limiting subsection (1), the regulations may provide that the Commonwealth water efficiency laws apply under section 5(1) as if an amendment to the Commonwealth water efficiency laws:
  - (a) made by a law of the Commonwealth; and
  - (b) specified in the regulations;had not taken effect.

**7 Interpretation of applied provisions**

- (1) The *Acts Interpretation Act 1901* (Cth) applies as a law of the Territory in relation to the interpretation of the applied provisions, and so applies as if the applied provisions were a Commonwealth Act or were regulations or other instruments under a Commonwealth Act, as the case requires.
- (2) The *Interpretation Act* does not apply to the applied provisions.

*Note for subsection (2)*

*Even though the Interpretation Act does not apply to the applied provisions, it applies to this Act and to instruments made under this Act.*

**Part 3 Functions and powers under applied provisions****8 Functions and powers of Commonwealth Regulator and other authorities and officers**

The Commonwealth Regulator and other authorities and officers referred to in the applied provisions have the same functions and powers under the applied provisions as they have under the Commonwealth water efficiency laws, as those laws apply to the Commonwealth.

**9 Delegations by the Commonwealth Regulator**

Any delegation by the Commonwealth Regulator under the *Water Efficiency Labelling and Standards Act 2005* (Cth) is taken to extend to, and have effect for the purposes of, the corresponding provision of the applied provisions.

**Part 4 Offences****10 Purpose of Part**

- (1) The purpose of this Part is to further the purpose of this Act by providing for an offence against the applied provisions to be treated as if it were an offence against a law of the Commonwealth.
- (2) The purposes for which an offence is to be treated as mentioned in subsection (1) include, for example (but are not limited to):
  - (a) the investigation and prosecution of offences; and
  - (b) the arrest, custody, bail, trial and conviction of offenders or persons charged with offences; and

- (c) proceedings relating to a matter referred to in paragraph (a) or (b); and
- (d) appeals and reviews relating to criminal proceedings and to proceedings of the kind referred to in paragraph (c); and
- (e) the sentencing, punishment and release of persons convicted of offences; and
- (f) fines, penalties and forfeitures; and
- (g) infringement notices in connection with offences; and
- (h) liability to make reparation in connection with offences; and
- (i) proceeds of crime; and
- (j) spent convictions.

**11 Application of Commonwealth criminal laws to offences against applied provisions**

- (1) The relevant Commonwealth laws apply as laws of the Territory in relation to an offence against the applied provisions as if those provisions were a law of the Commonwealth and not a law of the Territory.
- (2) For the purposes of a law of the Territory, an offence against the applied provisions:
  - (a) is taken to be an offence against the laws of the Commonwealth, in the same way as if those provisions were a law of the Commonwealth; and
  - (b) is taken not to be an offence against the laws of the Territory.
- (3) Subsection (2) has effect for the purposes of a law of the Territory except as provided by the regulations made under this Act.

**12 Functions and powers conferred on Commonwealth officers and authorities relating to offences**

- (1) A Commonwealth law applying because of section 11 that confers on a Commonwealth officer or authority a function or power in relation to an offence against the Commonwealth water efficiency laws also confers on the officer or authority the same function or power in relation to an offence against the corresponding provision of the applied provisions.



- (2) In performing a function or exercising a power conferred by this section, the Commonwealth officer or authority must act as nearly as practicable as the officer or authority would act in performing or exercising the same function or power in relation to an offence against the corresponding provision of the Commonwealth water efficiency laws.

**13 No double jeopardy for offences against applied provisions**

If:

- (a) an act or omission is an offence against both the applied provisions and the Commonwealth water efficiency laws; and
- (b) the offender has been punished for that offence under the Commonwealth water efficiency laws;

the offender is not liable to be punished for the offence under the applied provisions.

**Part 5 Administrative laws**

**14 Application of Commonwealth administrative laws to applied provisions**

- (1) The Commonwealth administrative laws apply as laws of the Territory to any matter arising in relation to the applied provisions as if those provisions were a law of the Commonwealth and not a law of the Territory.
- (2) For the purposes of a law of the Territory, a matter arising in relation to the applied provisions:
- (a) is taken to be a matter arising in relation to laws of the Commonwealth in the same way as if those provisions were a law of the Commonwealth; and
- (b) is taken not to be a matter arising in relation to laws of the Territory.
- (3) Subsection (2) has effect for the purposes of a law of the Territory except as provided by the Regulations made under this Act.
- (4) Any provision of a Commonwealth administrative law applying because of this section that purports to confer jurisdiction on a federal court is taken not to have that effect.

- (5) For the purposes of this section, a reference in a provision of the *Administrative Appeals Tribunal Act 1975* (Cth) (as that provision applies as a law of this jurisdiction) to the whole or any part of Part IVA of that Act is taken to be a reference to the whole or any part of that Part as it has effect as a law of the Commonwealth.

**15 Functions and powers conferred on Commonwealth officers and authorities**

- (1) A Commonwealth administrative law applying because of section 14 that confers on a Commonwealth officer or authority a function or power also confers on the officer or authority the same function or power in relation to a matter arising in relation to the applied provisions.
- (2) In performing a function or exercising a power conferred by this section, the Commonwealth officer or authority must act as nearly as practicable as the officer or authority would act in performing or exercising the same function or power under the Commonwealth administrative law.

**Part 6 Miscellaneous matters**

**16 Things done for multiple purposes**

The validity of a licence, certificate or other thing issued, given or done for the purposes of the applied provisions is not affected only because it was issued, given or done also for the purposes of the Commonwealth water efficiency laws.

**17 Reference in Commonwealth law to a provision of another law**

For the purposes of sections 11 and 14, a reference in a Commonwealth law to a provision of that or another Commonwealth law is taken to be a reference to that provision as applying because of those sections.

**18 Fees and other money**

All fees, penalties, fines and other money that, under this Act and the applied provisions, are authorised or directed to be payable by or imposed on any person (but not including an amount ordered to be refunded to another person) must be paid to the Commonwealth.

**19 Regulations of Territory**

The Administrator may make regulations under this Act.

## **Part 7                      Repeal and transitional matters**

### **20                      Act repealed**

The *Water Efficiency Labelling and Standards Act 2006* (Act No. 30 of 2006) is repealed.

### **21                      Transitional matters for *Water Efficiency Labelling and Standards (National Uniform Legislation) Act 2014***

- (1) On the commencement date, anything that was in effect in relation to the former law immediately before the commencement date becomes a thing with the same effect in relation to this Act and the applied provisions.

- (2) In this section:

***commencement date*** means the date on which section 5 commences.

***former law*** means the *Water Efficiency Labelling and Standards Act* as in force before its repeal by section 20.