



Australian Capital Territory

Water Efficiency Labelling and Standards (ACT) Act 2015

A2015-4

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Australian Capital Territory

Water Efficiency Labelling and Standards (ACT) Act 2015

A2015-4

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

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Water Efficiency Labelling and Standards (ACT) Act 2015*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Object of Act

- (1) The object of this Act is to adopt in the Territory a uniform national approach to the regulation of water efficiency labelling and standards.
- (2) 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.

4 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘*applied provisions*—see section 8 (1).’ means that the term ‘applied provisions’ is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

5 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

6 Terms used in Water Efficiency Labelling and Standards Act 2005 (Cwlth)

Terms used in this Act and also in the [Water Efficiency Labelling and Standards Act 2005](#) (Cwlth) have the same meanings in this Act as they have in that Act.

7 References to Commonwealth Acts

In this Act, a reference to a Commonwealth Act includes a reference to—

- (a) the Commonwealth Act, as in force from time to time; and
- (b) if another Act is substituted for the Commonwealth Act—the substituted Act, as in force from time to time.

Part 2 Applied provisions

8 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 including schedule 1, (the *applied provisions*), apply as a law of the Territory.
- (2) The Commonwealth water efficiency laws 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 stated matters in relation to which the Commonwealth may make laws.

9 Modification of Commonwealth water efficiency laws

- (1) A regulation under this Act may also modify the Commonwealth water efficiency laws for this Act.
- (2) Without limiting subsection (1), a regulation may provide that the Commonwealth water efficiency laws apply under section 8 (1) as if an amendment to the Commonwealth water efficiency laws made by the Commonwealth and stated in the regulation had not taken effect.

10 Interpretation of applied provisions

- (1) The *Acts Interpretation Act 1901* (Cwlth) applies as a law of the Territory in relation to the interpretation of the applied provisions, and 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 *Legislation Act* does not apply to the applied provisions.

Note Despite the *Legislation Act* not applying to the applied provisions, it applies to this Act and to instruments made under this Act.

Part 3 Functions under applied provisions

11 Functions of Commonwealth Regulator and other authorities and officers

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

Note 1 **Function** includes authority, duty and power (see [Legislation Act](#), dict, pt 1).

Note 2 A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

12 Delegations by Commonwealth Regulator

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

Part 4 Offences

13 Object of pt 4

- (1) The object of this part is to further the object 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—
 - (a) the investigation and prosecution of offences; and
 - (b) the arrest, custody, bail, trial and conviction of offenders or people charged with offences; and
 - (c) proceedings relating to a matter mentioned in paragraph (a) or (b); and
 - (d) appeals and reviews relating to criminal proceedings and to proceedings of the kind mentioned in paragraph (c); and
 - (e) the sentencing, punishment and release of people convicted of offences; and
 - (f) fines, penalties and forfeitures; and
 - (g) infringement notices in relation to offences; and
 - (h) liability to make reparation in relation to offences; and
 - (i) proceeds of crime; and
 - (j) spent convictions.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

14 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 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 a law of the Territory other than as provided by a regulation made under this Act.

15 Functions conferred on Commonwealth officers and authorities relating to offences

- (1) A Commonwealth law applying because of section 14 that confers on a Commonwealth officer or authority a function in relation to an offence against the Commonwealth water efficiency laws also confers on the officer or authority the same function in relation to an offence against the corresponding provision of the applied provisions.

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

Note 1 **Function** includes authority, duty and power (see [Legislation Act](#), dict, pt 1).

Note 2 A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

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

An offender is not liable to be punished for an offence under the applied provisions if—

- (a) the 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 the offence under the Commonwealth water efficiency laws.

Part 5 Administrative laws

17 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 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 a law of the Territory other than as provided by a regulation 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 this section, a reference in a provision of the *Administrative Appeals Tribunal Act 1975* (Cwlth) (as that provision applies as a law of this jurisdiction) to the whole or any part of that Act, part 4A (Appeals and references of questions of law to the Federal Court of Australia) 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.

18 Functions conferred on Commonwealth officers and authorities

- (1) A Commonwealth administrative law applying because of section 17 that confers on a Commonwealth officer or authority a function also confers on the officer or authority the same function in relation to a matter arising in relation to the applied provisions.
- (2) In exercising a function conferred by this section, the Commonwealth officer or authority must act as nearly as practicable as the officer or authority would act in exercising the same function under the Commonwealth administrative law.

Note 1 **Function** includes authority, duty and power (see [Legislation Act](#), dict, pt 1).

Note 2 A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196 and dict, pt 1, def **entity**).

Part 6 Miscellaneous

19 **Things done for multiple purposes**

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

20 **Reference in Commonwealth law to provision of another law**

For section 14 and section 17, 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.

21 **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.

22 **Regulation-making power**

- (1) The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (2) A regulation may create offences and fix maximum penalties of not more than 30 penalty units for the offences.

Part 7 Repeal and transitional

23 Legislation repealed

The *Water Efficiency Labelling and Standards Act 2005* (A2005-10) is repealed.

24 Transitional

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

- (2) In this section:

commencement day means the day this Act, section 8 commences.

repealed Act means the *Water Efficiency Labelling and Standards Act 2005*.

Schedule 1 Modifications—Water Efficiency Labelling and Standards Act 2005 (Cwlth)

(see s 8)

[1.1] Section 51 (3)

omit

Penalty: Imprisonment for 6 months.

substitute

Maximum penalty: 60 penalty units.

[1.2] Section 61 (3)

omit

Penalty: Imprisonment for 6 months.

substitute

Maximum penalty: 60 penalty units.

[1.3] Section 62 (3) and (4)

omit

Penalty: Imprisonment for 6 months.

substitute

Maximum penalty: 60 penalty units.

Dictionary

(see s 4)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- Commonwealth
- Executive
- exercise
- function
- in relation to
- power
- regulation
- the Territory.

applied provisions—see section 8 (1).

Commonwealth administrative laws means the following Commonwealth Acts and regulations:

- (a) the [Administrative Appeals Tribunal Act 1975](#) (excluding part 4A);
- (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 Regulator under the [Water Efficiency Labelling and Standards Act 2005](#) (Cwlth), section 21.

Commonwealth water efficiency laws means—

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

modify includes add to, omit and substitute.

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

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 30 October 2014.

2 Notification

Notified under the [Legislation Act](#) on 2 March 2015.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Water Efficiency Labelling and Standards (ACT) Bill 2015, which originated in the Legislative Assembly as the Water Efficiency Labelling and Standards (ACT) Bill 2014 and was passed by the Assembly on 17 February 2015.

Clerk of the Legislative Assembly

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