

First print



New South Wales

Trans-Tasman Mutual Recognition (New South Wales) Amendment Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

In accordance with the national legislative scheme for implementing the 1996 Trans-Tasman Mutual Recognition Arrangement regarding Australian and New Zealand goods and occupations, New South Wales has enacted the *Trans-Tasman Mutual Recognition (New South Wales) Act 1996* (***the State Act***). The State Act refers power to the Parliament of the Commonwealth to enact legislation (ie the proposed *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth) in the terms set out in the Schedule to the State Act. Once enacted, the proposed Commonwealth Act will apply to New South Wales (as well as to any other State or Territory that either refers a similar power to the Commonwealth or that subsequently adopts the Commonwealth Act).

Section 48 of the proposed Commonwealth Act provides for the special exemption from the operation of the proposed Act (and from the

Trans-Tasman mutual recognition principle) of laws of Australian jurisdictions that relate to goods and that are specified or described in Schedule 3 (Special exemptions) to the proposed Act. Any such special exemption only operates for 12 months after section 48 commences, unless extended for up to 12 months at a time by the regulations under the proposed Commonwealth Act.

The object of this Bill is to amend the State Act in order to include a number of product safety laws of each Australian jurisdiction in the list of special exemptions to the proposed Commonwealth Act.

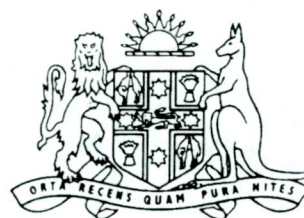
Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 amends the Schedule to the *Trans-Tasman Mutual Recognition (New South Wales) Act 1996* containing the Commonwealth Bill in order to achieve the object described in the above overview.

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New South Wales

Trans-Tasman Mutual Recognition (New South Wales) Amendment Bill 1997

No , 1997

A Bill for

An Act to amend the *Trans-Tasman Mutual Recognition (New South Wales) Act 1996* to exempt certain laws from the Trans-Tasman mutual recognition scheme.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Trans-Tasman Mutual Recognition (New South Wales) Amendment Act 1997*.

2 Commencement

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This Act commences on the date of assent.

3 Amendment of Trans-Tasman Mutual Recognition (New South Wales) Act 1996 No 102

The Schedule to the *Trans-Tasman Mutual Recognition (New South Wales) Act 1996* is amended by inserting the following matter at the end of clause 2 of Schedule 3 (Special exemptions) to the Commonwealth Bill: 10

Trade Practices Act 1974 of the Commonwealth, Part V, Division 1A

Fair Trading Act 1987 of New South Wales, sections 26, 30, 31 and 38 15

Consumer Affairs Act 1972 of Victoria, sections 57C, 57D, 59 and 61A

Fair Trading Act 1989 of Queensland, sections 81, 83, 85 and 85A 20

Trade Standards Act 1979 of South Australia, sections 23, 26A and 33

Consumer Affairs Act 1971 of Western Australia, sections 23Q, 23R and 23U

Fair Trading Act 1987 of Western Australia, sections 50 and 59 25

Goods (Trade Descriptions) Act of Tasmania, sections 16 and 17

Sale of Hazardous Goods Act 1977 of Tasmania, sections 6, 7 and 8

Consumer Affairs and Fair Trading Act 1900 of the Northern Territory, sections 25, 30 and 38

Consumer Affairs Act 1973 of the Australian Capital Territory, sections 15FBA, 15FB, 15FC, 15FCA and 15FD