

Western Australia

Trans-Tasman Mutual Recognition (Western Australia) Bill 2005

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Western Australia

LEGISLATIVE COUNCIL

(As amended in Committee)

**Trans-Tasman Mutual Recognition
(Western Australia) Bill 2005**

A Bill for

An Act to adopt the *Trans-Tasman Mutual Recognition Act 1997* of the Parliament of the Commonwealth (including the amendments made to it before 25 October 2007) which provides for the recognition within each State and Territory of the Commonwealth of regulatory standards adopted in New Zealand regarding goods and occupations, and for related purposes.

Background to the enactment of this Act

1. The governments of the Commonwealth, each State of Australia, the Australian Capital Territory, the Northern Territory and New Zealand have entered into an arrangement for the purpose of giving effect to a scheme implementing the recognition within Australia and New Zealand of regulatory standards adopted by each of the parties to the arrangement regarding goods and occupations.
2. The Parliament of New South Wales referred matters to the Parliament of the Commonwealth for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth so as to enable the enactment and amendment of legislation to provide for the recognition within Australia and New Zealand of regulatory standards adopted in the other country regarding goods and occupations.
3. The Parliament of the Commonwealth has subsequently enacted the *Trans-Tasman Mutual Recognition Act 1997*.

The Parliament of Western Australia enacts as follows:

1. Short title

This is the *Trans-Tasman Mutual Recognition (Western Australia) Act 2005*.

2. Commencement

This Act comes into operation on a day fixed by proclamation.

3. Interpretation

(1) In this Act, unless the contrary intention appears —

5 **“adopt”** has the same meaning as it has in section 51(xxxvii) of the Constitution of the Commonwealth and **“adopted provision”**, **“adoption”** and **“adopts”** have meanings corresponding with that meaning;

10 **“Commonwealth Act”** means the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth;

“termination day” means —

- (a) the day 5 years after this Act comes into operation; or
- (b) if an earlier day is fixed under subsection (2), that earlier day.

15 (2) The Governor may, by proclamation, fix a day that is within 5 years after this Act comes into operation as the day on which the adoption of the Commonwealth Act under this Act ceases to have effect.

20 (3) A proclamation can be made under subsection (2) whether or not a review has been carried out under section 6.

4. Adoption of Commonwealth Act

(1) Subject to this section, the State of Western Australia adopts the Commonwealth Act as originally enacted including the amendments made to it before 25 October 2007.

25 (2) The adoption of the Commonwealth Act under this Act does not operate so as to give effect to any adopted provision before that provision commences as a law of the Commonwealth.

(3) For the avoidance of doubt, it is the intention of the Parliament of the State that a Schedule to the Commonwealth Act as

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adopted under this Act may be amended from time to time by regulations made under the Commonwealth Act.

- 5 (4) The Minister is to cause a copy of any regulations referred to in subsection (3) to be laid before each House of Parliament within 14 sitting days of that House after the registration of the regulations in the Federal Register of Legislative Instruments maintained under the *Legislative Instruments Act 2003* of the Commonwealth.
- 10 (5) The adoption of the Commonwealth Act under this Act —
- (a) begins to have effect at the beginning of the day on which this Act comes into operation; and
 - (b) ceases to have effect at the end of the termination day.

5. Regulations for temporary exemptions for goods

15 Without limiting any other power to make regulations under any other Act, the Governor may make regulations for the purposes mentioned in section 46 of the Commonwealth Act as adopted under this Act.

6. Review of mutual recognition arrangements

- 20 (1) The Minister is to review the operation of, and the effect on this State of the operation of, the Commonwealth Act as adopted under this Act.
- 25 (2) On completion of the review, the Minister is to cause a report on the review to be laid before each House of Parliament containing a recommendation from the Minister as to whether or not the adoption of the Commonwealth Act by this State should continue.
- (3) The review is to be completed, and the reports laid before each House of Parliament, not later than 6 months before the day 5 years after this Act comes into operation.
- 30 (4) If, because either House of Parliament is not sitting, the report cannot be laid before that House within the time required by

subsection (3), the Minister may comply with the requirement to lay the report before that House by —

- (a) giving a copy of the report to the Clerk of that House within that time; and
 - 5 (b) immediately causing the report to be printed and made available to the public.
- (5) A copy of a report given to the Clerk of a House under subsection (4) is to be laid before that House on its next sitting day.

10 **7. Expiry of Act**

This Act expires at the end of the termination day.

