



Western Australia

Trans-Tasman Mutual Recognition (Western Australia) Act 2007

Compare between:

[07 Dec 2012, 00-c0-06] and [02 Dec 2022, 00-d0-00]

Trans-Tasman Mutual Recognition (Western Australia) Act 2007

An Act to adopt the *Trans-Tasman Mutual Recognition Act 1997* of the Parliament of the Commonwealth (including the amendments made to it before the day on which the *Trans-Tasman Mutual Recognition (Western Australia) Amendment Act 2012* receives the Royal Assent) 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.

[Long title amended: No. 57 of 2012 s. 4.]

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*.

s. 1

The Parliament of Western Australia enacts as follows:

1. Short title

This is the *Trans-Tasman Mutual Recognition (Western Australia) Act 2007*¹.

2. Commencement

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

3. ~~Interpretation~~ Terms used

- ~~(1)~~ In this Act, ~~unless the contrary intention appears —~~ adopt has the same meaning as ~~it has in section 51(xxxvii) of~~ in the Constitution of the Commonwealth ~~and *adopted provision*, *adoption* and *adopts* have meanings corresponding with that meaning;~~ section 51(xxxvii);

Commonwealth Act means the *Trans-Tasman Mutual Recognition Act 1997* ~~of the~~ (Commonwealth);.

~~termination day means —~~

~~(a) 31 January 2023; or~~

~~(b) if an earlier day is fixed under subsection (2), that earlier day.~~

- ~~(2) The Governor may, by proclamation, fix a day that is earlier than 31 January 2023 as the day on which the adoption of the Commonwealth Act under this Act ceases to have effect.~~

~~[(3) deleted]~~

~~[Section 3 amended~~ inserted: No. ~~5745~~ of 20122022 s. ~~54~~.]

4. Adoption of Commonwealth Act

- (1) ~~Subject to this section, the State of Western Australia adopts the~~ The Commonwealth Act, as originally enacted ~~including the amendments~~ and as amended from time to time by regulations made ~~to it before the day on which the *Trans-Tasman Mutual*~~

~~Recognition (Western Australia) Amendment Act 2012 receives the Royal Assent.~~

~~(2) The adoption of under the Commonwealth Act, is adopted.~~

(2) The adoption under this Act subsection (1) 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 adopted under this Act may be amended from time to time by regulations made under the Commonwealth Act.~~

[(3) deleted]

(4) The Minister is to cause a copy of any regulations referred to in subsection ~~(3)~~1 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~~²Legislation maintained under the ~~Legislative Instruments Legislation Act 2003~~³of the (Commonwealth).

(5) The adoption ~~of the Commonwealth Act~~ under ~~this Act~~ subsection (1) terminates in accordance with section 7.

~~(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.~~

[Section 4 amended: No. 57 of 2012 s. ~~66~~; No. 45 of 2022 s. 5.]

5. Regulations for temporary exemptions for goods

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. Deleted: No. 57 of 2012 s. 7.]~~

s. 7.

~~7. **Expiry of Act**~~

~~This Act expires at the end of the termination day.~~

6. Tabling documents relating to scheme reviews

(1) In this section —

intergovernmental arrangement means the Trans-Tasman Mutual Recognition Arrangement between the Commonwealth, New Zealand, the States, the Australian Capital Territory and the Northern Territory, as in force from time to time;

scheme review means a review of the operation of the intergovernmental arrangement and its related legislation carried out under paragraphs 12.1.1 to 12.1.3 of the intergovernmental arrangement.

(2) Subsection (3) applies if —

(a) a scheme review is carried out; and

(b) a report is prepared by the person carrying out the review; and

(c) the Minister receives the report.

(3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after the Minister receives the report.

(4) If a report to which subsection (3) applies contains sensitive, confidential or personal information, the Minister may comply with subsection (3) by removing the sensitive, confidential or personal information from the report before causing the document to be laid before each House.

[Section 6 inserted: No. 45 of 2022 s. 6.]

7. Termination of adoption

The Governor may by proclamation fix a day as the day on which the adoption under section 4(1) is to terminate.

[Section 7 inserted: No. 45 of 2022 s. 6.]

8. Revoking termination proclamations

(1) The Governor may by proclamation (a *revoking proclamation*) revoke a proclamation made under section 7.

(2) A revoking proclamation has effect only if published in the *Gazette* before the day fixed in the proclamation made under section 7.

(3) If a revoking proclamation has effect, the revoked proclamation is taken never to have been made.

(4) A revoking proclamation does not prevent the further making of a proclamation under section 7.

[Section 8 inserted: No. 45 of 2022 s. 6.]

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Notes

¹ This is a compilation of the *Trans-Tasman Mutual Recognition (Western Australia) Act 2007* and includes ~~the~~ amendments made by ~~the~~ other written laws referred to in the following. [For provisions that have come into operation see the compilation table](#).

Compilation table

Short title	Number and year	Assent	Commencement
<i>Trans-Tasman Mutual Recognition (Western Australia) Act 2007</i>	30 of 2007	6 Dec 2007	s. 1 and 2: 6 Dec 2007; Act other than s. 1 and 2: 1 Feb 2008 (see s. 2 and <i>Gazette</i> 18 Jan 2008 p. 147)
<i>Trans-Tasman Mutual Recognition (Western Australia) Amendment Act 2012</i>	57 of 2012	6 Dec 2012	s. 1 and 2: 6 Dec 2012 (see s. 2(a)); Act other than s. 1 and 2: 7 Dec 2012 (see s. 2(b))
² <i>Trans-Tasman Mutual Recognition (Western Australia) Amendment Act 2003</i>	45 of 2003	1 Dec 2003	s. 1 and 2: 1 Dec 2003 (see s. 2(a)); Act other than s. 1 and 2: 2 Dec 2003 (see s. 2(b))
³ Trans-Tasman Mutual Recognition (Western Australia) Amendment Act 2022	45 of 2022	1 Dec 2022	s. 1 and 2: 1 Dec 2022 (see s. 2(a)); Act other than s. 1 and 2: 2 Dec 2022 (see s. 2(b))