



AUSTRALIAN CAPITAL TERRITORY

## **Trans-Tasman Mutual Recognition (Amendment) Act 1998**

No. 41 of 1998

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### **An Act to amend the *Trans-Tasman Mutual Recognition Act 1997***

*[Notified in ACT Gazette No. 41: 14 October 1998]*

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

**1. Short title**

This Act may be cited as the *Trans-Tasman Mutual Recognition (Amendment) Act 1998*.

**2. Commencement**

(1) Sections 1 and 2 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions shall be taken to have commenced on 16 January 1998.

**3. Principal Act**

In this Act, "Principal Act" means the *Trans-Tasman Mutual Recognition Act 1997*.<sup>1</sup>

**4. Schedule**

The Schedule to the Principal Act is amended—

- (a) by omitting subsection 44 (4) of the Commonwealth Bill and substituting the following subsection:

“(4) However—

- (a) if such a regulation merely omits or reduces the extent of an exclusion of a law of a State from Schedule 1, the regulation may be made if the State has endorsed the regulation; or
- (b) if such a regulation amends Part 2 of Schedule 1 by substituting or adding a law of a State that relates to a matter referred to in paragraph (a), (b), (c) or (d) of subclause 1 (1) of Part 1 of that Schedule, the regulation may be made if the State has endorsed the regulation.”;

- (b) by omitting subsection 45 (5) of the Commonwealth Bill and substituting the following subsection:

“(5) However—

- (a) if such a regulation relates solely to one or more laws specified or described in Schedule 3 and will not take effect within 5 years after the commencement of section 48, the regulation may be made if at least two-thirds of the then participating jurisdictions have endorsed the regulation; or
- (b) if such a regulation merely omits or reduces the extent of an exemption of a law of a State from Schedule 2, the regulation may be made if the State has endorsed the regulation.”;

- (c) by adding at the end of subsection 48 (4) of the Commonwealth Bill “for the purposes of subsection (2) or (6)”;

- (d) by omitting from subsection 48 (5) of the Commonwealth Bill “all” and substituting “at least two-thirds of”;

- (e) by omitting subsection 48 (6) of the Commonwealth Bill and substituting the following subsection:

“(6) However, if such a regulation merely omits any matter relating to an exemption that has expired or has otherwise ceased to be in force, the regulation may be made if the Commonwealth has endorsed the regulation.”; and

- (f) by adding at the end of clause 2 of Schedule 3 to the Commonwealth Bill—

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

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

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

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

*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*

*Goods (Trade Descriptions) Act 1971 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 1990 of the Northern Territory, sections 25, 30 and 38*

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

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**NOTE**

**Principal Act**

1. Act No. 30, 1997.

*[Presentation speech made in Assembly on 28 May 1998]*