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as at 23 September 2026

Trans-Tasman Mutual Recognition Act 1997

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Contents

		Page
	Title	4
1	Short Title and commencement	4
2	Interpretation	5
3	Meaning of participating jurisdiction	9
4	Meaning of registration	9
	Part 1 **Preliminary provisions**	
5	Application	10
6	Operation of this Act in relation to Australia	10
7	Act to bind the Crown	11
8	Notices	11
	Part 2 **Goods**	
9	Place of production	12
10	Trans-Tasman mutual recognition principle in relation to goods	12
11	Section 10 not to affect operation of certain laws	13

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Business, Innovation, and Employment.

12 Defences to offences regarding sale 13
13 Goods that comply with local law 15

Part 3
Occupations

14 Equivalent occupation 15
15 Trans-Tasman mutual recognition principle in relation to occupations 15
16 Section 15 not to affect operation of certain laws 16

Entitlement to registration

17 Entitlement to registration and continued registration 16
18 Residence or domicile irrelevant 17

Procedure for registration

19 Notification to local registration authority 17
20 Action following notice 18
21 Postponement of registration 19
22 Refusal of registration 20
23 Notification 20

Interim arrangements

24 Deemed registration 21
25 Imposition of conditions on deemed registration 21
26 Activities under deemed registration 21
27 Application of relevant law to deemed registration 22
28 Cessation of deemed registration 22

Declarations as to equivalent occupations

29 Declarations as to equivalence of occupations 23
30 Declarations by Tribunal 23
31 Declarations by Ministers 24

General provisions

32 Disciplinary action 24
33 Furnishing information 25
34 Receiving information 25
35 Applicant may obtain information from local registration authority 26
36 General responsibilities of local registration authorities 26
37 Formalities requiring personal attendance 26
38 Saving 26
39 Laws prescribing fees and conditions 27
40 Regulations 27

Part 4
Trans-Tasman Occupations Tribunal

41 Trans-Tasman Occupations Tribunal 28

42 Functions of Tribunal 28
43 Effect on decision 28
44 Orders by Tribunal 29
45 Co-operation with Australian Tribunal 29

Membership

46 Membership of Tribunal 29
47 Appointment and term of office of Chairperson 30
48 Panel 30
49 Deputy Chairperson 31
50 Vacation of office by Chairperson and Deputy Chairperson 31
51 Remuneration and travelling allowances 32
52 Members of Tribunal not personally liable 32

Parties to review

53 Parties to review 32

Conferences

54 Conferences 32
55 Procedure at conferences 33
56 Conference chairperson's participation in hearing 33
57 Evidence not admissible 34

Procedure

58 Power of Tribunal if parties reach agreement 34
59 Hearing in absence of parties 34
60 Avoidance of unnecessary formality 34
61 Sittings of Tribunal 35
62 Procedure of Tribunal 35
63 Evidence 35
64 Witness summons 36
65 Service of summons 36
66 Witnesses' allowances 37
67 Privileges and immunities 37
68 Non-attendance or refusal to co-operate 37
69 Contempt of Tribunal 38
70 Costs 38
71 Stating case for High Court 38
72 Appeal on question of law 39
73 Regulations 39
74 New Zealand member of Australian Tribunal 40

Part 5
Exclusions and exemptions

75 Meaning of endorsed 40
76 Interpretation of schedules 41
77 Exclusions 42

78 Amendments to Schedule 1 42
79 Permanent exemptions 43
80 Amendments to Schedule 2 43
81 Special exemptions 43
82 Amendments to Schedule 3 43
83 Amendments to Schedules 2 and 3 44
84 Exempt occupations 45
85 Amendments to Schedule 4 45
86 Regulations relating to temporary exemptions 45
87 Regulations continuing temporary exemptions 46

Part 6
Amendments to Law Practitioners Act 1982

[Repealed]

88 Amendments to Law Practitioners Act 1982 *[Repealed]* 47

Schedule 1 48
Exclusions

Schedule 2 51
Permanent exemptions

Schedule 3 53
Special exemptions

Schedule 4 54
Exempt laws relating to occupations

An Act to provide for the recognition in New Zealand of regulatory standards adopted in Australia regarding goods and occupations

1 Short Title and commencement

(1) This Act may be cited as the Trans-Tasman Mutual Recognition Act 1997.

(2) This Act comes into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more orders may be made bringing different provisions into force on different dates.

(3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: Trans-Tasman Mutual Recognition Bill 1996 cls 1, 2 (Aust)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 1(2): this Act brought into force, on 1 May 1998, by clause 2 of the Trans-Tasman Mutual Recognition Act Commencement Order 1998 (SR 1998/61).

Section 1(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

applicant means an individual who gives or, as the case requires, has given a notice under section 19

Australia means Australia in a geographical sense, and does not include the external territories

Australian Act means the Trans-Tasman Mutual Recognition Act of the Commonwealth

Australian jurisdiction means a participating jurisdiction, other than New Zealand

Australian Tribunal means the Administrative Appeals Tribunal established under the Administrative Appeals Tribunal Act 1975 of the Commonwealth

Chairperson means the Chairperson of the Tribunal

Commonwealth means the Commonwealth of Australia

conditions, in relation to an occupation, means conditions, limitations, or restrictions

conference means a conference to which section 54(1) refers

conference chairperson means the member of the Tribunal nominated under section 54(1)

decision, in relation to a local registration authority, means—

(a) the grant of registration; or

(b) the imposition of conditions on registration; or

(c) the postponement of the grant of registration; or

(d) the refusal to grant registration; or

(e) the revocation of a refusal to grant registration

deemed registration has the meaning given to that term by section 24(2)

equivalent occupation has the meaning given to that term by section 14

exemption period means the period of 12 months from the date on which section 81 comes into force

extended exemption period means any period specified in regulations made under section 82(1)(a)

goods—

(a) means goods of any kind; and

(b) includes—

(i) animals or plants; or

(ii) material of microbial origin; or

(iii) a package containing goods; or

(iv) a label attached to goods

grant, in relation to registration, means grant, issue, or otherwise confer

intellectual property—

(a) has the meaning provided for in Article 2 of the Convention establishing the World Intellectual Property Organisation done at Stockholm on 14 July 1967 and in the World Trade Organisation Agreement on the Trade Related Aspects of Intellectual Property Rights done at Marrakesh on 15 April 1994; and

(b) includes all intellectual property rights, including (without limitation) rights relating to circuit layouts and semiconductor chip products, confidential information, copyright, geographical indications, patents, plant varieties, registered designs, registered and unregistered trade marks, and service marks

labelling, in relation to goods, includes any means by which, at the point of sale, information is attached to goods or is displayed in relation to goods without being attached to them

law relating to quarantine means any law enacted or made substantially for the purpose of eliminating the risk of entry into, or spread in, New Zealand of—

(a) any disease; or

(b) any genetic disorder; or

(c) any pest; or

(d) any organism (within the meaning of the Biosecurity Act 1993) that may—

(i) cause unwanted harm to natural resources (within the meaning of the Biosecurity Act 1993); or

(ii) interfere with measures to manage or eradicate any organism that causes unwanted harm to such natural resources; or

(e) any organism (including an entity the subject of an Order in Council made under subsection (3)) that may—

(i) cause harm to human health; or

(ii) interfere with measures to manage or eradicate any organism that causes harm to human health

local registration authority,—

(a) except in relation to barristers and solicitors,—

(i) means the person in New Zealand having the function conferred by law of registering individuals in connection with their carrying on of a particular occupation in New Zealand; and

(ii) if more than 1 person has the function described in subparagraph (i) in relation to a particular occupation, includes each such person; and

(b) in relation to barristers and solicitors, means,—

(i) in relation to admission as a barrister and solicitor, a Registrar or Deputy Registrar of the High Court; and

(ii) in relation to the issue of a practising certificate, the New Zealand Law Society

the Minister means the Minister of Commerce

Ministerial council means a council of Ministers of participating jurisdictions

occupation—

(a) means a calling, occupation, profession, or trade of any kind that may be carried on only by individuals subject to registration, if registration is wholly or partly dependent on the attainment or possession of some qualification; and

(b) includes a specialisation in any calling, occupation, profession, or trade of a kind described in paragraph (a) in which registration may be granted

panel means the panel maintained under section 48

participating jurisdiction has the meaning given to that term by section 3

produce includes to manufacture, and also includes to harvest or otherwise produce in the course of any form of primary production

qualification means—

(a) a specific course of education or training; or

(b) a specific examination; or

(c) a specific kind of experience; or

(d) a suitable character (including, without limitation, being a fit and proper person); or

(e) a specific qualification, other than a qualification referred to in any of paragraphs (a) to (d), relating to fitness to carry on an occupation

registration has the meaning given to that term by section 4

requirements, in relation to goods, means conditions, prohibitions, requirements, or restrictions

review means a review by the Tribunal under Part 4

sell includes—

(a) have in possession for sale; or

(b) distribute for sale; or

(c) expose or offer for sale; or

(d) agree to sell; or

(e) sell by wholesale or retail; or

(f) barter; or

(g) supply by way of exchange, hire, hire purchase, or lease

State—

(a) means a State of Australia in relation to which a law corresponding to this Act is in force; and

(b) includes the Australian Capital Territory for so long as there is in force in that Territory a law corresponding to this Act; and

(c) includes the Northern Territory of Australia for so long as there is in force in that Territory a law corresponding to this Act

substantive registration—

(a) means registration under the law of a participating jurisdiction; but

(b) does not include deemed registration

Trans-Tasman mutual recognition principle in relation to goods means the principle set out in section 10

Trans-Tasman mutual recognition principle in relation to occupations means the principle set out in section 15

Tribunal means the Trans-Tasman Occupations Tribunal established by section 41

working day means any day of the week other than—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(b) a day in the period commencing with 25 December in any year and ending with 15 January in the following year.

(2) A reference to or citation of any Act in this Act includes the citation of all subsequent enactments passed in amendment or substitution of the Act so referred to or cited, unless it is otherwise manifested by the context. This subsection applies despite anything in Part 2 of the Legislation Act 2019, but is subject to section 76(1) and (2).

(3) The Governor-General may, from time to time, by Order in Council, declare an entity to be an organism for the purposes of paragraph (e) of the definition of law relating to quarantine in subsection (1).

(4) An order under subsection (3) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: Trans-Tasman Mutual Recognition Bill 1996 cls 4(1), 6(1), (2) (Aust)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(1) **local registration authority** paragraph (b)(ii): substituted, on 1 August 2008, by section 348 of the Lawyers and Conveyancers Act 2006 (2006 No 1).

Section 2(1) **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Section 2(1) **working day** paragraph (ab): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Section 2(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

3 Meaning of participating jurisdiction

For the purposes of this Act, a **participating jurisdiction** is—

(a) New Zealand; or

(b) the Commonwealth, for so long as there is in force in the Commonwealth a law corresponding to this Act; or

(c) a State.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 50 (Aust)

4 Meaning of registration

(1) In this Act, **registration** means the admission, approval, certification (including, without limitation, the issue of practising certificates), licensing, registra-

tion, or any other form of authorisation, of an individual required by or under law for carrying on an occupation.

(2) If an individual is required by or under law to have more than 1 form of authorisation, as described in subsection (1), to carry on an occupation, **registration** includes each form of authorisation that any relevant local registration authority grants.

(3) References in this Act to registration mean substantive registration, unless registration is qualified in such a way as to indicate another meaning; and **registered** has a corresponding meaning.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cls 4(1), 17(2) (Aust)

Part 1
Preliminary provisions

5 Application

(1) Every law of New Zealand must, unless it or this Act otherwise expressly provides, be read subject to this Act.

(2) The Trans-Tasman mutual recognition principle in relation to goods, the Trans-Tasman mutual recognition principle in relation to occupations, and the provisions of this Act may be taken into consideration in proceedings of any kind and for any purpose.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cls 5(1), 51(1) (Aust)

6 Operation of this Act in relation to Australia

(1) The Governor-General may, on the recommendation of the Minister, by Order in Council, declare that this Act will cease to have effect on a specified day, if satisfied that—

(a) no jurisdiction in Australia has passed a law corresponding to this Act and no jurisdiction in Australia is likely to pass a law corresponding to this Act in the near future; or

(b) some or all of the jurisdictions in Australia have passed a law corresponding to this Act but all the jurisdictions in Australia are likely to repeal such laws in the near future.

(2) The Minister must not make a recommendation under subsection (1) without first giving notice in the *Gazette* of his or her intention to do so.

(3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 7(1), (2) (Aust)

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)

Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 6(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

7 Act to bind the Crown

This Act binds the Crown.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 8 (Aust)

8 Notices

(1) If any provision of Parts 2 to 4 requires or permits a notice to be given to any person, the notice may be given—

(a) to an individual,—

(i) by personal delivery; or

(ii) by leaving it at, or posting it to, the address of the place of residence or business of the individual last known to the person giving the notice; or

(iii) by sending it by fax to the last known fax number of the individual:

(b) to a body corporate,—

(i) by leaving it at, or posting it to, the principal office of the body corporate; or

(ii) by sending it by fax to the last known fax number of the body corporate.

(2) If a notice is personally delivered to any individual under subsection (1), it is deemed to have been given to the individual at the time at which it was delivered.

(3) If a notice is left at an address or a principal office under subsection (1), it is deemed to have been given to the person at the time at which it was left.

(4) If a notice is posted to any person under subsection (1), it is deemed to have been given to the person at the time at which it would have been delivered in the ordinary course of post; and, in proving posting,—

(a) it is sufficient to prove that the notice was properly addressed; and

(b) it is presumed, in the absence of proof to the contrary, that the notice was posted on the day on which it was dated.

(5) If a notice is sent by fax to any person under subsection (1), it is deemed to have been given to the person on the day after the day on which it was sent; and, in proving sending, it is sufficient to prove that a fax machine generated a record of the transmission of the notice to the fax number.

Part 2
Goods

9 Place of production

(1) For the purpose of determining where goods are produced for the purposes of this Act, goods are taken to be produced in the place where the most recent step in the process of producing the goods, whether by way of harvesting, packaging, or processing the goods or otherwise, has occurred.

(2) Subsection (1) applies even though—

(a) the process of production may be incomplete; or

(b) some steps in the process have not yet been carried out; or

(c) some steps in the process were carried out elsewhere; or

(d) the goods or a component of the goods were imported into Australia.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 53 (Aust)

10 Trans-Tasman mutual recognition principle in relation to goods

(1) The Trans-Tasman mutual recognition principle in relation to goods is that, subject to this Act, goods produced in or imported into an Australian jurisdiction, that may be lawfully sold in the Australian jurisdiction either generally or in particular circumstances may, by virtue of this Act, be sold in New Zealand either generally or in particular circumstances (as the case may be), without the necessity for compliance with any of the requirements relating to sale that are imposed by or under the law of New Zealand and are described in subsection (2).

(2) The requirements referred to in subsection (1) are the following:

(a) a requirement that the goods satisfy standards relating to their composition, performance, production, or quality, or relating to any other aspect of the goods themselves; or

(b) a requirement that the goods satisfy standards relating to their age, date stamping, labelling, or packaging, or relating to any other aspect of the way the goods are presented; or

(c) a requirement that the goods be inspected, passed, or similarly dealt with in or for the purposes of New Zealand; or

(d) a requirement that any step in the production of the goods not occur outside New Zealand; or

(e) any other requirement relating to sale that would prevent or restrict, or would have the effect of preventing or restricting, the sale of the goods in New Zealand.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cls 10, 11 (Aust)

11 Section 10 not to affect operation of certain laws

(1) Nothing in section 10 affects the operation of any laws of New Zealand that regulate the manner of the sale of goods in New Zealand or the manner in which sellers conduct or are required to conduct their business in New Zealand, by dealing with (without limitation)—

(a) the contractual aspects of the sale of goods; or

(b) the persons to whom goods may or may not be sold; or

(c) the circumstances in which goods may or may not be sold; or

(d) franchise agreements or arrangements relating to the sale of goods; or

(e) the registration of sellers or other persons carrying on occupations,—

so long as those laws apply equally to goods produced in or imported into New Zealand.

(2) Nothing in section 10 affects the operation of any laws of New Zealand regarding the handling, storage, or transportation of goods within New Zealand, so long as those laws—

(a) apply equally to goods produced in or imported into New Zealand; and

(b) are directed at matters affecting the health and safety of persons in New Zealand or at avoiding, remedying, or mitigating any adverse effects of activities on the environment in New Zealand.

(3) Nothing in section 10 affects the operation of any laws of New Zealand regarding the inspection of goods within New Zealand, so long as those laws—

(a) apply equally to goods produced in or imported into New Zealand; and

(b) are directed at matters affecting the health and safety of persons in New Zealand or at avoiding, remedying, or mitigating any adverse effects of activities on the environment in New Zealand; and

(c) do not require the inspection of goods as a prerequisite to the sale of the goods in New Zealand.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 12(2)–(4) (Aust)

12 Defences to offences regarding sale

(1) It is a defence to a prosecution for an offence against a law of New Zealand, being a prosecution in relation to the sale of any goods, if the defendant expressly claims that the Trans-Tasman mutual recognition principle in relation to goods applies and establishes that—

(a) the goods were labelled at the point of sale with a statement to the effect that they were produced in or imported into Australia or a State; and

(b) the defendant had no reasonable grounds for suspecting that they were not so produced or imported.

(2) The defence described in subsection (1) is not available if the prosecution proves that the Trans-Tasman mutual recognition principle in relation to goods did not apply in the circumstances of the alleged offence.

(3) Without limiting subsection (2), the defence described in subsection (1) is not available in relation to goods that were labelled at the point of sale with a statement to the effect that they were produced in or imported into Australia if the prosecution proves—

(a) that the goods were not, at the time they were labelled, subject to laws of the Commonwealth relating to the requirements described in the section of the Australian Act dealing with requirements that do not need to be complied with; or

(b) that, if the goods were, at the time they were labelled, subject to laws of the Commonwealth relating to the requirements described in the section of the Australian Act dealing with requirements that do not need to be complied with, the Commonwealth was not, at that time, a participating jurisdiction.

(4) Without limiting subsection (2), the defence described in subsection (1) is not available in relation to goods that were labelled at the point of sale with a statement to the effect that they were produced in or imported into a State if the prosecution proves—

(a) that the goods were not, at the time they were labelled, subject to laws of the State relating to the requirements described in the section of the Australian Act dealing with requirements that do not need to be complied with; or

(b) that, if the goods were, at the time they were labelled, subject to laws of the State relating to the requirements described in the section of the Australian Act dealing with requirements that do not need to be complied with, the State was not, at that time, a participating jurisdiction.

(5) If the goods were labelled at the point of sale with a statement to the effect that they were produced in or imported into Australia,—

(a) any relevant presumptions or evidentiary procedures under the law of the Commonwealth are available to the prosecution or defendant in relation to matters sought to be proved by the prosecution under subsection (2) or subsection (3); and

(b) any relevant defences under the law of the Commonwealth are available to the defendant in relation to matters sought to be proved by the prosecution under subsection (2) or subsection (3).

(6) If the goods were labelled at the point of sale with a statement to the effect that they were produced in or imported into a State,—

(a) any relevant presumptions or evidentiary procedures under the law of the State are available to the prosecution or defendant in relation to

matters sought to be proved by the prosecution under subsection (2) or subsection (4); and

(b) any relevant defences under the law of the State are available to the defendant in relation to matters sought to be proved by the prosecution under subsection (2) or subsection (4).

(7) This section does not affect any defence that is available apart from this section.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 13 (Aust)

13 Goods that comply with local law

Nothing in this Part prevents goods from being sold in New Zealand if (apart from this Act) they comply with the relevant requirements of the law in force in New Zealand.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 14 (Aust)

Part 3
Occupations

14 Equivalent occupation

(1) For the purposes of this Act, and subject to subsection (2), an occupation for which individuals may be registered in an Australian jurisdiction is taken to be an equivalent occupation to an occupation for which individuals may be registered in New Zealand if the activities authorised to be carried out under each registration are substantially the same.

(2) Subsection (1) is subject to—

(a) the fact that equivalence of occupations between New Zealand and an Australian jurisdiction may be achieved by the imposition of conditions on deemed registration or registration; and

(b) any declaration made and in force under section 30 or section 31.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cls 28, 29(1) (Aust)

15 Trans-Tasman mutual recognition principle in relation to occupations

(1) The Trans-Tasman mutual recognition principle in relation to occupations is that, subject to this Act, an individual who is registered in an Australian jurisdiction for an occupation is entitled, after giving notice to the local registration authority for the equivalent occupation,—

(a) to be registered in New Zealand for the equivalent occupation; and

(b) pending such registration, to carry on the equivalent occupation in New Zealand.

(2) The entitlement described in subsection (1) arises by virtue of this Act, and no law of New Zealand requiring an individual seeking to carry on that occupation

to have any particular qualification before doing so applies to any individual who is registered in an Australian jurisdiction for an occupation and who gives notice to the local registration authority for the equivalent occupation in accordance with section 19.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 16(1) (Aust)

16 Section 15 not to affect operation of certain laws

Nothing in section 15 affects the operation of any laws of New Zealand that regulate the manner of carrying on an occupation in New Zealand, so long as those laws—

(a) apply equally to all individuals carrying on or seeking to carry on the occupation under the law of New Zealand; and

(b) do not require an individual carrying on or seeking to carry on that occupation under the law of New Zealand to have any particular qualification before doing so.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 16(2) (Aust)

Entitlement to registration

17 Entitlement to registration and continued registration

(1) For all the purposes of the law of New Zealand, every law of New Zealand dealing with registration is deemed to include as a ground of entitlement to registration and renewal of registration, subject to the provisions of this Act, the ground that an individual seeking registration or renewal of registration is registered in an equivalent occupation in an Australian jurisdiction.

(2) An individual to whom registration has been granted on the ground referred to in subsection (1)—

(a) is entitled to renewal of registration in accordance with the law dealing with registration of that kind; and

(b) is not disentitled to registration or renewal of registration solely because the individual ceases to be registered in an equivalent occupation in an Australian jurisdiction; and

(c) keeps or loses his or her entitlement to registration or renewal of registration in accordance with any law dealing with registration of that kind, to the extent that any such law—

(i) applies equally to all individuals carrying on or seeking to carry on the occupation under the law of New Zealand; and

(ii) does not require an individual carrying on or seeking to carry on that occupation under the law of New Zealand to have any particular qualification before doing so.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 19(1)–(4) (Aust)

18 Residence or domicile irrelevant

Residence or domicile in any particular participating jurisdiction is not a prerequisite to, or a factor in, entitlement to the grant, renewal, or continuation of registration.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 36 (Aust)

Procedure for registration

19 Notification to local registration authority

(1) An individual who is registered in an Australian jurisdiction for an occupation may give a written notice to the local registration authority for the equivalent occupation seeking registration for the equivalent occupation on the ground referred to in section 17(1), in accordance with the Trans-Tasman mutual recognition principle in relation to occupations.

(2) A notice referred to in subsection (1) must—

(a) state the occupation for which registration is sought; and

(b) state that the applicant is registered for that occupation or an equivalent occupation in an Australian jurisdiction; and

(c) state that registration is being sought in accordance with the Trans-Tasman mutual recognition principle in relation to occupations; and

(d) specify all the participating jurisdictions in which the applicant has registration for equivalent occupations and specify the occupations; and

(e) state that the applicant is not, in relation to any occupation referred to in paragraph (b) or paragraph (d),—

(i) the subject of any preliminary investigations or action that might lead to disciplinary proceedings in any participating jurisdiction; or

(ii) the subject of any disciplinary proceedings in any participating jurisdiction; and

(f) state that the applicant's registration for any occupation referred to in paragraph (b) or paragraph (d) is neither cancelled nor suspended in any participating jurisdiction as a result of disciplinary action; and

(g) state that the applicant is not otherwise personally prohibited from carrying on any occupation referred to in paragraph (b) or paragraph (d) in any participating jurisdiction, and is not subject to any special conditions in carrying on any such occupation, as a result of criminal, civil, or disciplinary proceedings in any participating jurisdiction; and

(h) specify any special conditions to which the applicant is subject in carrying on any occupation referred to in paragraph (b) or paragraph (d) in any participating jurisdiction; and

(i) give consent to the making of inquiries of, and the exchange of information with, the authorities of any participating jurisdiction regarding the applicant's activities in the relevant occupation or occupations or otherwise regarding matters relevant to the notice; and

(j) be accompanied by any fee payable under section 39 or section 40.

(3) The applicant must, in relation to a notice referred to in subsection (1),—

(a) annex to it either—

(i) a document that is either the original or a facsimile copy of the instrument evidencing the applicant's existing registration; or

(ii) if no such instrument exists, sufficient information to identify the applicant and the applicant's existing registration; and

(b) if a document accompanies a notice under paragraph (a)(i), certify in the notice that the document is either the original or a facsimile copy of the instrument evidencing the applicant's existing registration; and

(c) verify the statements and other information in the notice by statutory declaration.

(4) The local registration authority may, at its discretion, permit a notice referred to in subsection (1) to be amended after it is given.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 18 (Aust)

20 Action following notice

(1) Within the period of 1 month after a notice is given under section 19 the local registration authority must—

(a) grant registration on the ground referred to in section 17(1); or

(b) postpone, under section 21, the grant of registration; or

(c) refuse, under section 22, to grant registration.

(2) If the local registration authority grants registration under subsection (1)(a), it must decide whether or not to impose conditions on the grant.

(3) A local registration authority may impose conditions under subsection (2)—

(a) for the purpose of achieving equivalence of occupations; or

(b) for the purpose of imposing on the applicant's registration in New Zealand a condition that applies to the applicant's registration in an Australian jurisdiction; or

(c) for any other purpose relating to the implementation of the Trans-Tasman mutual recognition principle in relation to occupations.

(4) No condition imposed under subsection (3)(c) may be more onerous than a condition that the local registration authority would impose in similar circumstances, having regard to relevant qualifications, if the registration were effected apart from this Act.

(5) If the local registration authority does not grant, postpone, or refuse registration within the period of 1 month after a notice is given under section 19, the applicant is entitled, subject to subsection (6), to registration immediately at the end of that period.

(6) If an applicant who is entitled to registration under subsection (5) seeks a grant of registration from the local registration authority, the local registration authority may refuse to grant registration only if—

(a) any ground set out in section 22(1) applies; and

(b) there are reasonable grounds to believe that there has been an attempt to obtain the applicant's registration by fraud, whether that fraud was committed by the applicant or any other person.

(7) Registration granted under this section has effect as if it had been granted immediately on the giving of the notice.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cls 19(2), (5), 20 (Aust)

21 Postponement of registration

(1) A local registration authority may postpone the grant of registration if—

(a) any of the statements or information in the notice required by section 19 are materially false or misleading; or

(b) any document or information required by section 19 is materially false or misleading; or

(c) any document or information required by section 19 has not been provided; or

(d) the circumstances of the applicant have materially changed since the date of the notice or the date it was given; or

(e) the authority determines that the occupation in which registration is sought is not an equivalent occupation.

(2) The local registration authority must not postpone the grant of registration under subsection (1) for longer than a period of 6 months commencing at the conclusion of the period of 1 month referred to in section 20(1).

(3) Within the period of 6 months referred to in subsection (2) the local registration authority must—

(a) grant registration on the ground referred to in section 17(1); or

(b) refuse, under section 22, to grant registration.

(4) If the local registration authority does not grant or refuse registration within the period of 6 months referred to in subsection (2), the applicant is entitled to registration immediately at the end of that period.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 21(1)–(3) (Aust)

22 Refusal of registration

(1) A local registration authority may refuse to grant registration if—

(a) any of the statements or information in the notice required by section 19 are materially false or misleading; or

(b) any document or information required by section 19 is materially false or misleading; or

(c) any document or information required by section 19 has not been provided; or

(d) the authority determines—

(i) that the occupation in which registration is sought is not an equivalent occupation; and

(ii) that equivalence cannot be achieved by the imposition of conditions.

(2) In making a determination under subsection (1)(d), the local registration authority must disregard the power of the Tribunal to make a declaration on the basis of section 30(1)(b).

(3) A refusal to grant registration on the ground referred to in subsection (1)(d) takes effect at the end of a period that—

(a) is specified in the notice given under section 23(1); and

(b) is no less than 2 weeks; and

(c) commences on the day on which the notice is deemed to have been given to the applicant.

(4) A local registration authority may revoke a refusal to grant registration at any time before it takes effect.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 22 (Aust)

23 Notification

(1) A local registration authority must give to the applicant written notice of the following decisions:

(a) the grant of registration; or

(b) the imposition of conditions on registration; or

(c) the postponement of the grant of registration; or

(d) the refusal to grant registration; or

(e) the revocation of a refusal to grant registration.

(2) A notice given under subsection (1) must, in relation to a decision referred to in any of paragraphs (b) to (d) of subsection (1),—

(a) include a statement of the reasons for the decision; and

(b) include a statement to the effect that the applicant may apply for a review of the decision; and

(c) refer to section 35.

(3) Failure to comply with any requirement of subsection (2) does not affect the validity of the decision.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cls 23, 33(3), (4) (Aust)

Interim arrangements

24 Deemed registration

(1) Subject to section 26, an applicant is, pending the grant or refusal of registration, entitled to carry on his or her occupation in New Zealand as if the applicant were subject to registration in New Zealand.

(2) References in this Act to deemed registration mean the entitlement referred to in subsection (1).

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 24(1), (2) (Aust)

25 Imposition of conditions on deemed registration

(1) The local registration authority must decide whether or not to impose conditions on an applicant's deemed registration.

(2) A local registration authority may impose conditions under subsection (1)—

(a) for the purpose of achieving equivalence of occupations; or

(b) for the purpose of imposing on the applicant's deemed registration in New Zealand a condition that applies to the applicant's registration in an Australian jurisdiction; or

(c) for any other purpose relating to the implementation of the Trans-Tasman mutual recognition principle in relation to occupations.

(3) No condition imposed under subsection (2)(c) may be more onerous than a condition that the local registration authority would impose in similar circumstances, having regard to relevant qualifications, if the registration were effected apart from this Act.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 26(5) (Aust)

26 Activities under deemed registration

(1) An applicant who is subject to deemed registration may carry on his or her occupation as if the applicant were subject to registration, but may do so only—

(a) within the limits conferred by the deemed registration; and

(b) subject to any conditions applying to the deemed registration imposed under section 25; and

(c) within the limits conferred by the applicant's registration in all the Australian jurisdictions in which the applicant is registered; and

(d) subject to any conditions or undertakings applying to the applicant's registration in all the Australian jurisdictions in which the applicant is registered, unless waived by the local registration authority under subsection (2); and

(e) so long as the applicant complies with any requirement regarding fidelity funds, insurance, or trust accounts, or any other such protection for the public, clients, customers, or others.

(2) The local registration authority may waive any condition or undertaking applying to the applicant's registration in an Australian jurisdiction if it thinks it appropriate to do so in the circumstances.

(3) Any condition or undertaking applying to an applicant's registration in an Australian jurisdiction, when applied to the applicant's deemed registration, is to be construed with any necessary modifications, including the following (if appropriate and so far as practicable):

(a) references to the Australian jurisdiction are to be read as references to New Zealand:

(b) references to officers or authorities of the Australian jurisdiction are to be read as references to the corresponding officers or authorities of New Zealand.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cls 26(1), (2), (3)(a), (4), 52 (Aust)

27 Application of relevant law to deemed registration

(1) An applicant who is subject to deemed registration is subject to any disciplinary provisions and arrangements that are applicable to individuals who are subject to registration.

(2) References in the law of New Zealand to individuals registered for an occupation in New Zealand (however expressed) extend to applicants who are subject to deemed registration.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 26(3)(b), (c) (Aust)

28 Cessation of deemed registration

(1) Deemed registration ceases if—

(a) it is cancelled or suspended in accordance with any law of New Zealand applied by section 27; or

(b) the local registration authority grants registration to an applicant subject to it; or

(c) the local registration authority refuses to grant registration to an applicant subject to it; or

(d) the local registration authority cancels it at the request of an applicant subject to it; or

(e) an applicant subject to it ceases to be subject to registration in every other participating jurisdiction referred to in the notice under paragraph (b) or (d) of section 19(2).

(2) Deemed registration is not affected by postponement of the grant of registration.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 25 (Aust)

Declarations as to equivalent occupations

29 Declarations as to equivalence of occupations

(1) If a declaration made by the Tribunal under section 30 and a declaration made by Ministers under section 31 are inconsistent, the declaration made by Ministers prevails.

(2) A declaration made by the Tribunal under section 30 does not affect the registration of any individual already registered, other than the individual to whom the declaration relates.

(3) A declaration made by Ministers under section 31 does not affect the registration of any individual already registered.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 29(2), (3) (Aust)

30 Declarations by Tribunal

(1) The Tribunal may, in any review, make a declaration that occupations carried on in an Australian jurisdiction and New Zealand are not equivalent, but only if the Tribunal is satisfied—

(a) that the activities involved in the occupations are not substantially the same and that no conditions can be imposed that would have the effect of making the activities substantially the same; or

(b) that registration in an Australian jurisdiction should not entitle individuals subject to registration to carry on a particular activity or class of activity in New Zealand, if—

(i) the activity or class of activity is a material part of the practice of an individual subject to registration in an Australian jurisdiction for the occupation; and

(ii) the activity or class of activity, if carried on by an individual not conforming to the appropriate standards, could reasonably be expected to expose persons in New Zealand to a real threat to their health or safety or could reasonably be expected to cause significant adverse effects on the environment in New Zealand; and

(iii) it is not practicable to protect the health or safety of such persons from that threat or the environment from such adverse effects by regulating the manner in which services in the occupation are provided.

(2) The proper officer of the Tribunal must cause a notice setting out the terms of a declaration under this section to be published promptly in the *Gazette*.

(3) A declaration made on the basis of subsection (1)(b) has effect for no longer than 12 months.

(4) The local registration authority must promptly give written notice to equivalent authorities in each other participating jurisdiction of a declaration made on the basis of subsection (1)(b).

(5) The local registration authority must give effect to a declaration made under subsection (1), and must from then on act in conformity with the declaration in relation to other individuals seeking registration.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 30(2)–(5) (Aust)

31 Declarations by Ministers

(1) The Minister and a Minister from each of 1 or more Australian jurisdictions may jointly declare, by notice in the *Gazette*,—

(a) that specified occupations are equivalent, and may specify or describe in the notice any conditions that the appropriate local registration authority is to impose to achieve equivalence; or

(b) that a notice published under paragraph (a) is amended or revoked.

(2) A declaration made under subsection (1) has effect only in relation to the participating jurisdictions concerned.

(3) The appropriate local registration authority must give effect to any declaration made under subsection (1).

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 31 (Aust)

General provisions

32 Disciplinary action

(1) If an individual's deemed registration or registration for an occupation in an Australian jurisdiction—

(a) is cancelled or suspended; or

(b) is subject to a condition—

on disciplinary grounds, or as a result of or in anticipation of criminal, civil, or disciplinary proceedings, then the individual's deemed registration or registration for the equivalent occupation in New Zealand is affected in the same way.

(2) Despite subsection (1), the local registration authority may reinstate any cancelled or suspended deemed registration or registration or waive any such condition if it thinks it appropriate to do so in the circumstances.

(3) This section extends to registration effected apart from this Act.

(4) This section has effect despite any other provisions of this Act.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 32 (Aust)

33 Furnishing information

(1) A local registration authority must furnish without delay any information reasonably required by the equivalent authority of any other participating jurisdiction about an individual subject to registration in New Zealand if—

(a) the equivalent authority of the other participating jurisdiction notifies the local registration authority that the information is required in connection with—

(i) a notice given by an individual seeking registration; or

(ii) an individual's deemed registration; or

(iii) actual or possible disciplinary action against the individual; and

(b) either,—

(i) if the requirement relates to a notice given by an individual seeking registration, the equivalent authority of the other participating jurisdiction notifies the local registration authority that the individual seeking registration has, in the notice, authorised the furnishing of the information; or

(ii) if the requirement relates to an individual's deemed registration or actual or possible disciplinary action against the individual, the furnishing of the information does not contravene the Privacy Act 2020.

(2) This section applies notwithstanding any law of New Zealand relating to secrecy or confidentiality.

(3) Nothing in this section affects any obligation or power of a local registration authority to provide information apart from this section.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 37 (Aust)

Section 33(1)(b)(ii): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

34 Receiving information

If a local registration authority receives information under a provision of a law of an Australian jurisdiction corresponding to section 33, the information is subject to the Privacy Act 2020 or any other law relating to secrecy or

confidentiality to the same extent as it would be if the information had been provided under the law of New Zealand.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 38 (Aust)

Section 34: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

35 Applicant may obtain information from local registration authority

(1) If a local registration authority makes a decision in respect of which an applicant may apply for a review, the applicant may, by notice in writing to the local registration authority, request it to furnish to the applicant a statement in writing setting out the findings on material questions of fact and referring to the evidence or other material on which those findings were based.

(2) If a local registration authority receives a request made under subsection (1) it must, within 20 working days after receiving the request, prepare, and furnish to the applicant, such a statement.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 33(3) (Aust); Administrative Appeals Tribunal Act 1975 s 28(1) (Aust)

36 General responsibilities of local registration authorities

(1) It is the duty of each local registration authority to facilitate the operation of this Part in relation to every occupation for which the authority is responsible and, in particular, to make use of its powers to impose conditions in such a way as to promote the Trans-Tasman mutual recognition principle in relation to occupations.

(2) It is the duty of each local registration authority from time to time to prepare and make available guidelines and information regarding the operation of this Part in relation to every occupation for which the authority is responsible.

(3) The first guidelines and information required by subsection (2) must be available within 6 months from the date on which this section comes into force.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 39(1)–(3) (Aust)

37 Formalities requiring personal attendance

(1) Compliance with any statutory or other formalities requiring personal attendance in New Zealand is not a prerequisite to entitlement to registration or deemed registration or registration under this Act.

(2) This section applies to formalities that would otherwise have to be complied with before, at, or after registration.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 41 (Aust)

38 Saving

Nothing in this Act prevents an individual from seeking registration or being registered for an occupation under a law other than this Act.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 42 (Aust)

39 Laws prescribing fees and conditions

(1) In the absence of regulations made under section 40(1)(a),—

(a) the fee prescribed for registration, in any law dealing with registration for a particular occupation, must be read as the fee for deemed registration for that occupation under this Act; and

(b) the fee prescribed for the renewal of registration, in any law dealing with registration for a particular occupation, must be read as the fee for the renewal of registration for that occupation under this Act;—

and, if any law dealing with registration for a particular occupation prescribes more than 1 fee for registration or the renewal of registration, as the case requires, the applicant must pay the lower or the lowest of the fees prescribed.

(2) If an applicant has paid a fee for deemed registration under a law referred to in subsection (1)(a), that applicant is not, despite anything in that law, required to pay a fee for registration under this Act.

(3) In the absence of regulations made under section 40(1)(b), any condition in any law dealing with registration for a particular occupation, to the effect that an individual may not carry on the occupation unless a fee has been paid, must, subject to subsection (2), be read as applying to deemed registration or registration or the renewal of registration under this Act.

40 Regulations

(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing fees in relation to deemed registration or the renewal of registration for a particular occupation under this Act:

(b) providing, as a condition of deemed registration or the renewal of registration for a particular occupation under this Act, that an individual may not carry on the occupation unless a fee has been paid.

(2) No fee prescribed under subsection (1) for deemed registration under this Act may be greater than the fee prescribed for registration (or, if more than 1 fee is prescribed, the higher or highest of those fees) under the law dealing with registration for the particular occupation.

(3) No fee prescribed under subsection (1) for the renewal of registration under this Act may be greater than the fee prescribed for the renewal of registration (or, if more than 1 fee is prescribed, the higher or highest of those fees) under the law dealing with registration for the particular occupation.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 40 (Aust)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 40(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 4
Trans-Tasman Occupations Tribunal

41 Trans-Tasman Occupations Tribunal

There is established a Tribunal to be called the Trans-Tasman Occupations Tribunal.

42 Functions of Tribunal

An applicant may apply to the Tribunal for the review of a decision of a local registration authority to—

(a) impose conditions on registration; or

(b) postpone the grant of registration; or

(c) refuse to grant registration.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 33(1) (Aust)

43 Effect on decision

(1) Subject to subsection (2), every decision of a local registration authority that is the subject of a review continues in force and has effect pending the determination of the review.

(2) The Tribunal may, at the request of an applicant who is a party to a review, make an interim order,—

(a) in relation to a decision to impose conditions on registration, permitting the applicant to carry on the occupation without complying with the conditions; or

(b) in relation to a decision to refuse to grant registration, extending the applicant's deemed registration for a period specified by the Tribunal.

(3) The Tribunal must not make an order under subsection (2) unless the local registration authority whose decision is the subject of the review has been given a reasonable opportunity to make a submission to the Tribunal in relation to the interim order proposed to be made.

(4) The Tribunal may revoke at any time an interim order made under subsection (2).

44 Orders by Tribunal

(1) The Tribunal may make any order that it thinks fit in relation to the conduct of any review.

(2) The Tribunal may, in any review, make an order—

(a) that an individual who is registered in a particular occupation in an Australian jurisdiction is entitled to registration in a particular occupation in New Zealand; or

(b) that an individual who is registered in a particular occupation in an Australian jurisdiction is entitled to registration in a particular occupation in New Zealand, subject to conditions specified by the Tribunal for the purpose of achieving equivalence of occupations; or

(c) that an individual who is registered in a particular occupation in an Australian jurisdiction is not entitled to registration in a particular occupation in New Zealand.

(3) The local registration authority must give effect to an order made under subsection (2), and must from then on act in conformity with the order in relation to other individuals seeking registration.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 30(1), (5) (Aust)

45 Co-operation with Australian Tribunal

For the purpose of promoting consistency between decisions made by the Tribunal for the purposes of this Act and the Australian Tribunal for the purposes of the Australian Act, the Tribunal must have regard to decisions made by the Australian Tribunal for the purposes of the Australian Act.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 35(1), (2) (Aust)

Membership

46 Membership of Tribunal

(1) The members of the Tribunal are—

(a) the Chairperson; and

(b) subject to subsection (2), 2 other individuals appointed from the panel by the Chairperson for the purposes of each review.

(2) Instead of making 2 appointments under subsection (1)(b), the Chairperson may, if the Chairperson considers it desirable,—

(a) appoint 1 member of the Tribunal under subsection (1)(b); and

(b) appoint, as another member of the Tribunal, a member of the Australian Tribunal, in accordance with arrangements made from time to time between the Chairperson and the President of the Australian Tribunal.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 35(3) (Aust)

47 Appointment and term of office of Chairperson

(1) Every individual appointed as the Chairperson must be a barrister or solicitor of the High Court of not less than 7 years' practice or a District Court Judge.

(2) Any individual appointed as the Chairperson may hold that office concurrently with any other office held by him or her and may from time to time be reappointed.

(3) The Chairperson is appointed by the Governor-General on the recommendation of the Minister of Justice.

(4) Every individual appointed as the Chairperson holds office for such term, not exceeding 5 years, as the Governor-General on the recommendation of the Minister of Justice specifies in the instrument appointing the Chairperson. This subsection is affected by section 50.

(5) The Minister of Justice must consult the Minister before making any recommendation under subsection (3) or subsection (4).

(6) If the term for which the Chairperson has been appointed expires, the Chairperson, unless sooner vacating or removed from office under section 50, continues to hold office, by virtue of the appointment for the term that has expired, until—

(a) any review has concluded; and

(b) either—

(i) the Chairperson is reappointed; or

(ii) a successor to the Chairperson is appointed; or

(iii) the Chairperson is informed in writing by the Minister of Justice that the Chairperson is not to be reappointed and that a successor to the Chairperson is not to be appointed.

(7) The expiry of the term of office of the Chairperson does not affect any service being performed by the Chairperson on the Australian Tribunal.

48 Panel

(1) The Minister of Justice must maintain a panel of not more than 15 individuals who may be appointed under section 46(1)(b).

(2) The Minister of Justice must consult the Minister before including any individual on the panel.

(3) In considering the suitability of any individual for inclusion on the panel, the Minister of Justice and the Minister must have regard not only to his or her personal attributes but also to his or her knowledge of and experience in the different aspects of matters likely to come before the Tribunal.

(4) The name of an individual must be removed from the panel if—

(a) the individual dies or is, under the Insolvency Act 2006, adjudged bankrupt; or

(b) the Minister of Justice directs that the name of the individual be removed from the panel for disability affecting performance of duty, neglect of duty, or misconduct, proved to the satisfaction of the Minister of Justice; or

(c) a period of 5 years has elapsed since the date on which the Minister of Justice last approved the entry of the individual's name; or

(d) the individual requests by writing addressed to the Minister of Justice that his or her name be removed.

(5) If paragraph (c) or paragraph (d) of subsection (4) applies, the name of the individual must not be removed from the panel until any review in respect of which the individual was appointed to the Tribunal has concluded and until any service being performed by the individual on the Australian Tribunal has concluded.

Section 48(4)(a): amended, on 3 December 2007, by section 445 of the Insolvency Act 2006 (2006 No 55).

49 Deputy Chairperson

(1) In any case in which the Chairperson becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the Chairperson deems it not proper or desirable that he or she should adjudicate on any specified matter, the Governor-General, on the recommendation of the Minister of Justice, may appoint a suitable individual to be the Deputy Chairperson and to act for the Chairperson for the period or purpose stated in the appointment.

(2) The Minister of Justice must consult the Minister before making a recommendation under subsection (1).

(3) No individual may be appointed as the Deputy Chairperson unless he or she is eligible for appointment as the Chairperson.

(4) Every Deputy Chairperson appointed under this section is, while acting for the Chairperson, deemed to be the Chairperson.

(5) No appointment of a Deputy Chairperson, and no act done by a Deputy Chairperson as such, and no act done by the Tribunal while he or she is acting as such, may in any proceedings be questioned on the ground that the occasion for the appointment had not arisen or had ceased.

50 Vacation of office by Chairperson and Deputy Chairperson

(1) The Chairperson and any Deputy Chairperson may at any time resign his or her office by delivering a notice in writing to that effect to the Minister of Justice.

(2) The Chairperson and any Deputy Chairperson is deemed to have vacated his or her office if he or she dies or is, under the Insolvency Act 2006, adjudged bankrupt.

(3) The Chairperson and any Deputy Chairperson may at any time be removed from office by the Governor-General for disability affecting performance of

duty, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General.

Section 50(2): amended, on 3 December 2007, by section 445 of the Insolvency Act 2006 (2006 No 55).

51 Remuneration and travelling allowances

(1) The Tribunal is declared to be a statutory board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) Subject to subsection (3), there must be paid to members of the Tribunal remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act apply accordingly.

(3) Subsection (2) does not apply to a District Court Judge who is a member of the Tribunal or to any member appointed under section 46(2)(b).

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 35(6) (Aust)

52 Members of Tribunal not personally liable

No member of the Tribunal is personally liable for any act done or omitted to be done by the Tribunal or any member of it in good faith in pursuance or intended pursuance of the functions, duties, powers, or authorities of the Tribunal.

Parties to review

53 Parties to review

(1) The parties to a review are the applicant and the local registration authority.

(2) The Tribunal may direct that a person be added as a party to any review if the Tribunal is satisfied that the person has a substantial interest in the review and either—

(a) the person applies to be made a party to the review; or

(b) the Tribunal of its own motion considers it desirable.

(3) The Attorney-General, if in his or her opinion the public interest is or may be involved, may, on giving such notice to other parties as the Tribunal may direct, appear and be heard, or present submissions in writing, on any review.

Conferences

54 Conferences

(1) If the Tribunal is of the opinion that it would be appropriate for the parties to a review to attend a conference—

(a) for any purpose relating to the conduct of the review; or

(b) for the purpose of—

(i) identifying the matters in issue between the parties; and

(ii) trying to obtain agreement between the parties on the resolution of those matters,—

the Chairperson may nominate a member of the Tribunal appointed under section 46(1)(b) or section 46(2)(b) to chair the conference.

(2) The conference chairperson must give written notice to the parties—

(a) inviting them to attend the conference; and

(b) notifying them of the purpose of the conference; and

(c) notifying them of the date, time, and place of the conference; and

(d) notifying them that their representatives may, if the parties wish, attend the conference.

55 Procedure at conferences

(1) The conference chairperson may, with the parties' consent, invite to attend a conference any person whose attendance would in the opinion of the conference chairperson be likely to assist in achieving any purpose for which the conference was called.

(2) There may be paid to any person attending any conference under subsection (1) fees, allowances, and expenses as if that person were a witness attending before the Tribunal to give evidence under a summons issued on the motion of the Tribunal.

(3) The conference chairperson may allow the parties or their representatives or any other person invited to attend a conference to participate in the conference by—

(a) telephone; or

(b) closed-circuit television, if such a facility is available; or

(c) any other means of communication for which facilities are available.

(4) Any conference may be adjourned from time to time and from place to place.

(5) If the parties reach an agreement in relation to the conduct of the review, and the Tribunal is satisfied that an order recording the terms of the agreement is within its powers under section 44(1), the Tribunal may, if it thinks fit, make such an order.

(6) If the parties reach agreement on the matters in issue, and the Tribunal is satisfied that an order recording the terms of the agreement is within its powers under section 44(2), the Tribunal may, if it thinks fit, make such an order.

56 Conference chairperson's participation in hearing

If—

(a) a conference is held; and

(b) either—

(i) the Tribunal makes an order under section 44(1); or

(ii) the Tribunal makes no order under section 44; and

(c) a party objects to the conference chairperson participating in the hearing of the review,—

the Chairperson must appoint another individual under section 46(1)(b) or section 46(2)(b) to replace the conference chairperson on the Tribunal for the purposes of the hearing of the review.

57 Evidence not admissible

No evidence is admissible in any court, or before any person acting judicially, of any information, statement, or admission disclosed or made to any person in the course of a conference, except, with the parties' consent, at the hearing of the review.

Procedure

58 Power of Tribunal if parties reach agreement

(1) If, at any stage of a review, the parties reach an agreement in relation to the conduct of the review, and the Tribunal is satisfied that an order recording the terms of the agreement is within its powers under section 44(1), the Tribunal may, if it thinks fit, make such an order.

(2) If, at any stage of a review, the parties reach agreement on the matters in issue, and the Tribunal is satisfied that an order recording the terms of the agreement is within its powers under section 44(2), the Tribunal may, if it thinks fit, make such an order.

59 Hearing in absence of parties

If—

(a) it appears to the Tribunal that a review can be adequately determined in the absence of the parties, their representatives, and witnesses; and

(b) the parties consent to the review being determined in the absence of the parties, their representatives, and witnesses,—

the Tribunal may conduct the review by considering the documents or other material lodged with or provided to the Tribunal.

60 Avoidance of unnecessary formality

The Tribunal must conduct any review with as little formality and technicality, and as much expedition, as is permitted by—

(a) the requirements of this Act; and

(b) a proper consideration of the review; and

(c) the principles of natural justice.

61 Sittings of Tribunal

(1) The Tribunal must fix a time and place for each sitting and cause notice to be given to the parties of the time and place fixed.

(2) The Chairperson presides at every sitting of the Tribunal.

(3) No sitting of the Tribunal may take place, except for the purposes of interlocutory or other ancillary matters, unless all members are present.

(4) Every sitting of the Tribunal is held in such place as the Tribunal deems convenient.

(5) Every sitting of the Tribunal is held in public unless the Tribunal in any particular case, having regard to the interests of the parties and of all other persons concerned, considers that the sitting or any part of it should be held in private.

(6) The Tribunal may make an order prohibiting the publication of any report or description of a review or of any part of a review.

(7) Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who, without reasonable excuse, acts in contravention of any order made by the Tribunal under subsection (6).

(8) Any sitting of the Tribunal may be adjourned from time to time and from place to place.

Section 61(7): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

62 Procedure of Tribunal

(1) Any party to a review may appear personally or by the party's barrister, solicitor, or agent.

(2) The Tribunal may appoint a barrister or solicitor to appear and be heard in a review as counsel assisting the Tribunal.

(3) The decision of the majority of members is the decision of the Tribunal.

(4) Every decision of the Tribunal must be in writing and must state the reasons for the decision.

(5) The Tribunal determines its own procedure, except as otherwise provided in this Part.

63 Evidence

(1) The Tribunal may receive as evidence any statement, document, information, or matter that may in its opinion assist it to deal effectively with the review, whether or not the same would be admissible in a court of law.

(2) The Tribunal may take evidence on oath, and for that purpose any member or officer of the Tribunal may administer an oath.

(3) The Tribunal may permit a person appearing as a witness before it to give evidence by tendering a written statement and, if the Tribunal thinks fit, verifying it by oath.

(4) Subject to subsections (1) to (3), the Evidence Act 2006 applies to the Tribunal in the same manner as if the Tribunal were a court within the meaning of that Act.

Section 63(4): amended, on 1 August 2007, by section 216 of the Evidence Act 2006 (2006 No 69).

64 Witness summons

(1) The Tribunal may of its own motion, or on the application of any party to the review, issue a witness summons to any person requiring that person to attend before the Tribunal to give evidence in the review.

(2) The witness summons must state—

(a) the place where the person is to attend; and

(b) the date and time when the person is to attend; and

(c) the papers, documents, records, or things that the person is required to bring and produce to the Tribunal; and

(d) the entitlement to be tendered or paid a sum in respect of allowances and travelling expenses; and

(e) the penalty for failing to attend.

(3) The power to issue a witness summons may be exercised by the Tribunal or the Chairperson, or by any officer of the Tribunal purporting to act by the direction or with the authority of the Tribunal or the Chairperson.

65 Service of summons

(1) A witness summons may be served—

(a) by delivering it personally to the person summoned; or

(b) by posting it by registered letter addressed to the person summoned at that person's usual place of residence.

(2) The summons must,—

(a) if it is served under subsection (1)(a), be served at least 24 hours before the attendance of the witness is required; or

(b) if it is served under subsection (1)(b), be served at least 10 working days before the date on which the attendance of the witness is required.

(3) If the summons is posted by registered letter, it is deemed for the purposes of subsection (2)(b) to have been served at the time when the letter would have been delivered in the ordinary course of post.

66 Witnesses' allowances

(1) Every witness attending before the Tribunal to give evidence under a summons is entitled to be paid witnesses' fees, allowances, and travelling expenses according to the scales for the time being prescribed by regulations made under the Criminal Procedure Act 2011, and those regulations apply accordingly.

(2) On each occasion on which the Tribunal issues a summons under section 64, the Tribunal, or the individual exercising the power of the Tribunal under section 64(3), must fix an amount that, on the service of the summons, or at some other reasonable time before the date on which the witness is required to attend, must be paid or tendered to the witness.

(3) The amount fixed under subsection (2) must be the estimated amount of the allowances and travelling expenses to which, in the opinion of the Tribunal or individual, the witness will be entitled according to the prescribed scales if the witness attends at the time and place specified in the summons.

(4) If a party to the review has requested the issue of the witness summons, the fees, allowances, and travelling expenses payable to the witness must be paid by that party.

(5) If the Tribunal has of its own motion issued the witness summons, the fees, allowances, and travelling expenses payable to the witness must be paid by the Crown.

Section 66(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

67 Privileges and immunities

(1) Witnesses appearing before the Tribunal have the same privileges and immunities as witnesses have in proceedings in the District Court.

(2) Counsel and agents appearing before the Tribunal have the same privileges and immunities as counsel have in proceedings in the District Court.

Section 67(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 67(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

68 Non-attendance or refusal to co-operate

(1) Every person commits an offence who, after being summoned to attend to give evidence before the Tribunal or to produce to the Tribunal any papers, documents, records, or things, without reasonable excuse,—

(a) fails to attend in accordance with the summons; or

(b) refuses to be sworn or to give evidence, or, having been sworn, refuses to answer any question that the person is lawfully required by the Tribunal or any member of it to answer concerning the review; or

(c) fails to produce any such paper, document, record, or thing.

(2) Every person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding $1,500.

(3) No person summoned to attend before the Tribunal may be convicted of an offence against subsection (1) unless there was tendered or paid to that person travelling expenses in accordance with section 66.

Section 68(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

69 Contempt of Tribunal

(1) Every person commits an offence and is liable on conviction to a fine not exceeding $1,000 who—

(a) assaults, threatens, or intimidates, or intentionally insults, the Tribunal or any member of it or any special adviser to or officer of the Tribunal, during a sitting of the Tribunal, or in going to, or returning from, any sitting; or

(b) intentionally interrupts the proceedings of the Tribunal or otherwise misbehaves while the Tribunal is sitting; or

(c) intentionally and without lawful excuse disobeys an order or direction of a member of the Tribunal in the course of any sitting.

(2) A member of the Tribunal may order the exclusion from a sitting of the Tribunal of any individual whose behaviour, in that member's opinion, constitutes an offence against subsection (1), whether or not such individual is charged with the offence; and any constable may take such steps as are reasonably necessary to enforce such an exclusion.

Section 69(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 69(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

70 Costs

(1) The Tribunal may order any party to pay to any other party such costs and expenses (including witness expenses) incurred by that other party as the Tribunal considers reasonable.

(2) Any such order as to costs may be filed in the District Court and may be enforced as a judgment of that court.

Section 70(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

71 Stating case for High Court

(1) The Tribunal may, at any time, before or during the hearing or before delivering its decision, on the application of any party to the review or of its own motion, state a case for the opinion of the High Court on any question of law arising in the review.

(2) The Tribunal must give notice to the parties to the review of the Tribunal's intention to state a case under this section, specifying the registry of the High Court in which the case is to be filed.

(3) Except when the Tribunal intends to state the case of its own motion, the question must be in the form of a special case to be drawn up by the parties to the review, and, if the parties do not agree, to be settled by the Tribunal.

(4) If the Tribunal intends to state a case of its own motion, it must itself state and sign a case setting forth the facts and questions of law arising for the determination of the High Court.

(5) Every case stated for the High Court under this section must be dealt with in accordance with rules of court.

(6) The High Court must hear and determine any question submitted to it under this section, and must remit the case with its opinion to the Tribunal.

72 Appeal on question of law

(1) If the Tribunal does not give a direction under section 53(2) in relation to an application by a person to be made a party to a review, the person concerned may appeal to the High Court.

(2) If any party to any review is dissatisfied with any decision of the Tribunal as being erroneous in point of law, that party may appeal to the High Court on that question of law.

(3) Every appeal under this section must be dealt with in accordance with rules of court.

(4) Subject to any order of the High Court, every decision of the Tribunal against which an appeal is lodged continues in force or has effect pending the determination of the appeal.

73 Regulations

(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing a fee to be paid by an applicant making an application under section 42:

(b) prescribing the procedure to be followed under this Act in respect of reviews.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 73(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

74 New Zealand member of Australian Tribunal

If the Chairperson or an individual whose name is entered on the panel serves as a member of the Australian Tribunal for the purposes of a review under the section of the Australian Act dealing with the review of decisions,—

(a) the Australian Tribunal is deemed to be a statutory board within the meaning of the Fees and Travelling Allowances Act 1951; and

(b) the Chairperson or individual must be paid—

(i) remuneration by way of fees, salary, or otherwise in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act apply accordingly; and

(ii) travelling allowances and travelling expenses in respect of time spent in travelling in the service of the Australian Tribunal, at such rate as the Minister of State Services from time to time approves; and

(iii) such other allowances at such rate as the Minister of State Services from time to time approves.

Part 5
Exclusions and exemptions

75 Meaning of endorsed

For the purposes of sections 78(2), 80(2), 82(2), 83(2), 85(2), and 87(2), terms of proposed regulations are endorsed—

(a) by New Zealand, when the Minister has given notice in the *Gazette* of his or her intention to make a recommendation to the Governor-General to make the regulations; and

(b) by the Commonwealth, when regulations to the same effect as the proposed regulations have been made by the Commonwealth; and

(c) by a State, when a notice setting out and endorsing regulations to the same effect as the proposed regulations has been published in the official gazette of—

(i) each State (other than the Australian Capital Territory or the Northern Territory), by the Governor of the State or a Minister of the Crown for the State:

(ii) the Australian Capital Territory, by the Chief Minister of the Territory:

(iii) the Northern Territory, by the Administrator of the Territory.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 43 (Aust)

76 Interpretation of schedules

(1) A reference to a law, in Schedule 1, includes—

(a) any amendment to any provision of that law made after section 77 comes into force; or

(b) any provision inserted in that law after section 77 comes into force; or

(c) any provision substituted for another provision in that law after section 77 comes into force,—

if the subject matter of that amendment or provision is described by one of the categories in Schedule 1.

(2) A reference to a law, in Schedule 2 or Schedule 3, includes—

(a) any amendment to any provision of that law made after section 79 or section 81, as the case requires, comes into force; or

(b) any provision inserted in that law after section 79 or section 81, as the case requires, comes into force; or

(c) any provision substituted for another provision in that law after section 79 or section 81, as the case requires, comes into force; or

(d) any law passed in substitution for that law,—

if that amendment or provision or law does not increase the scope of the exemption effected by Schedule 2 or Schedule 3, as the case requires, at the date on which section 79 or section 81, as the case requires, comes into force.

(3) Despite anything in Part 2 of the Legislation Act 2019, a reference to an Act in any schedule includes, unless the reference to the Act indicates otherwise, any secondary legislation, or other instrument, made or given under the Act.

(4) *[Repealed]*

(5) A law specified in Schedules 1, 2, or 3, that deals not only with requirements described in section 10(2) relating to the sale of goods but also with the registration of an occupation, is excluded or exempted only to the extent that it deals with requirements described in section 10(2) relating to the sale of goods.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 4(2), (3) (Aust)

Section 76(3): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 76(4): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

77 Exclusions

This Act does not affect the operation of any law, or any provision of any law, specified or described in a category in Schedule 1.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 44(1) (Aust)

78 Amendments to Schedule 1

(1) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations amending Schedule 1 by adding another category.

(2) The Minister must not make a recommendation under subsection (1) unless the Minister is satisfied that all of the then participating jurisdictions have endorsed the terms of the proposed regulations.

(3) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations amending Schedule 1 by—

(a) adding another law, or another provision of a law, to any of the categories:

(b) omitting a law from any of the categories and substituting another law, or omitting a provision of a law from any of the categories and substituting another provision of that law:

(c) omitting a category.

(4) The Minister must not make a recommendation under subsection (3) unless the Minister has given notice in the *Gazette* of his or her intention to do so.

(5) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations amending Schedule 1 by omitting a law or a provision of a law.

(6) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 44(2)–(4) (Aust)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 78(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

79 Permanent exemptions

This Act does not affect the operation of any law, or any provision of any law, specified or described in Schedule 2.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 45(1) (Aust)

80 Amendments to Schedule 2

(1) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations amending Schedule 2 by—

(a) adding another law or another provision of a law:

(b) omitting a law and substituting another law, or omitting a provision of a law and substituting another provision of that law.

(2) The Minister must not make a recommendation under subsection (1) unless the Minister is satisfied that all of the then participating jurisdictions have endorsed the terms of the proposed regulations.

(3) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations amending Schedule 2 by omitting a law or a provision of a law.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 45(3), (4), (5)(b) (Aust)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 80(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

81 Special exemptions

This Act does not affect the operation of any law, or any provision of any law, specified or described in Schedule 3 until the expiry of the exemption period or, as the case requires, the extended exemption period relating to that law or that provision.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 48(1), (2) (Aust)

82 Amendments to Schedule 3

(1) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations—

(a) extending the exemption period by a period specified in the regulations, being a period of no longer than 12 months at any one time, in relation to

any law or any provision of any law specified or described in Schedule 3; or

(b) amending Schedule 3 by omitting any law, or any provision of any law, in relation to which the exemption period or, as the case may be, the extended exemption period, has expired or has otherwise ceased to be of effect.

(2) The Minister must not make a recommendation under subsection (1) unless the Minister is satisfied that no fewer than two-thirds of the then participating jurisdictions have endorsed the terms of the proposed regulations.

(3) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations amending Schedule 3 by omitting a law or a provision of a law.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 48(2)–(5) (Aust)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 82(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

83 Amendments to Schedules 2 and 3

(1) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations that amend Schedule 2 by adding to it a law or a provision of a law specified or described in Schedule 3 and amend Schedule 3 by omitting from it that law or that provision of a law.

(2) The Minister must not make a recommendation under subsection (1) unless the Minister is satisfied either—

(a) that all of the then participating jurisdictions have endorsed the terms of the proposed regulations; or

(b) that—

(i) no fewer than two-thirds of the then participating jurisdictions have endorsed the terms of the proposed regulations; and

(ii) a period of not less than 5 years has elapsed since section 81 came into force.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 45(5)(a) (Aust)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 83(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

84 Exempt occupations

This Act does not apply to any law, or any provision of any law, that relates to any occupation and is specified or described in Schedule 4.

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 49(1) (Aust)

85 Amendments to Schedule 4

(1) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations amending Schedule 4 by—

(a) adding another law or another provision of a law:

(b) omitting a law and substituting another law, or omitting a provision of a law and substituting another provision of that law.

(2) The Minister must not make a recommendation under subsection (1) unless the Minister is satisfied that all of the then participating jurisdictions have endorsed the terms of the proposed regulations.

(3) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations amending Schedule 4 by omitting a law or a provision of a law.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 48(2)–(4) (Aust)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 85(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

86 Regulations relating to temporary exemptions

(1) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations exempting a particular kind of

goods or any law, or any provision of any law, relating to a particular kind of goods from the provisions of this Act.

(2) No exemption under regulations made under subsection (1) may exceed the period of 12 months in total, whether the exemption is made in 1 set of regulations or in more than 1 set of regulations.

(3) The Minister must not make a recommendation under subsection (1) unless he or she is satisfied that every exemption effected by the regulations is substantially for the purpose of protecting the health and safety of persons in New Zealand or avoiding, remedying, or mitigating any adverse effects of activities on the environment in New Zealand.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 46 (Aust)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 86(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

87 Regulations continuing temporary exemptions

(1) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations—

(a) continuing or reviving the effect of an exemption under section 86:

(b) discontinuing an exemption continued or revived under this section.

(2) The Minister must not recommend the making of regulations under subsection (1)(a) unless the Minister is satisfied that—

(a) an additional period is necessary to enable legislative or other action to be taken to implement a recommendation of a ministerial council made in relation to goods or laws that are the subject of an exemption under section 86; and

(b) no fewer than two-thirds of the then participating jurisdictions have endorsed the terms of the proposed regulations.

(3) Regulations made under subsection (1)(a) may continue or revive an exemption—

(a) wholly or partly; and

(b) with or without modification.

(4) A modification may only,—

(a) in the case of an exemption relating to goods,—

(i) limit the circumstances in which the goods are exempt; or

(ii) provide that the exemption does not apply if certain standards or conditions are complied with in relation to the goods:

(b) in the case of an exemption relating to a law,—

(i) modify the operation of the law while the exemption operates; or

(ii) provide that the exemption does not apply in relation to particular goods if certain standards or conditions are complied with in relation to the goods.

(5) No exemption may be continued or revived under regulations made under subsection (1)(a) for a period exceeding 12 months in total, whether the exemption is continued or revived in 1 set of regulations or in more than 1 set of regulations.

(6) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: Trans-Tasman Mutual Recognition Bill 1996 cl 47 (Aust)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 87(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 6
Amendments to Law Practitioners Act 1982

[Repealed]

Part 6: repealed, on 1 August 2008, by section 349 of the Lawyers and Conveyancers Act 2006 (2006 No 1).

88 Amendments to Law Practitioners Act 1982

[Repealed]

Section 88: repealed, on 1 August 2008, by section 349 of the Lawyers and Conveyancers Act 2006 (2006 No 1).

Schedule 1
Exclusions

s 77

Category 1

This category concerns laws relating to Customs controls and tariffs, to the extent that those laws provide for—

(a) the imposition of tariffs or the taking of related measures; or

(b) the imposition of anti-dumping duties or countervailing duties or the taking of related measures; or

(c) the prohibition or restriction of imports—

and would be affected by the Trans-Tasman mutual recognition principle in relation to goods.

The laws specified or described below are excluded from the operation of this Act:

Customs and Excise Act 2018

—section 95 or 95A

—any Order in Council, so far as relating to imports, made or deemed to have been made under section 96 and in force

Tariff Act 1988

Trade (Anti-dumping and Countervailing Duties) Act 1988

Trade (Safeguard Measures) Act 2014

Any other provision of the law by or under which goods are prohibited from importation into New Zealand, or the importation of goods into New Zealand is restricted

Category 2

This category concerns laws relating to intellectual property, to the extent that those laws—

(a) provide for the protection of intellectual property rights; and

(b) would be affected by the Trans-Tasman mutual recognition principle in relation to goods.

The laws specified or described below are excluded from the operation of this Act:

Commonwealth Games Symbol Protection Act 1974

Copyright Act 1994

Designs Act 1953

Flags, Emblems, and Names Protection Act 1981

Geneva Conventions Act 1958

Geographical Indications Registration Act 2006

Layout Designs Act 1994

Patents Act 2013

Plant Variety Rights Act 2022

Trade Marks Act 2002

Any other enactment, or any rule of law, that provides, directly or indirectly, for the protection of intellectual property rights

Category 3

This category concerns laws relating to international obligations, to the extent that those laws would be affected by the Trans-Tasman mutual recognition principle in relation to goods.

The laws specified or described below are excluded from the operation of this Act:

Ozone Layer Protection Act 1990

Trade in Endangered Species Act 1989

United Nations Act 1946

Category 4

This category concerns laws relating to taxation, to the extent that those laws—

(a) provide for the imposition of taxes on the sale of locally produced and imported goods in a non-discriminatory way; and

(b) would be affected by the Trans-Tasman mutual recognition principle in relation to goods.

The laws specified or described below are excluded from the operation of this Act:

Estate and Gift Duties Act 1968

Gaming Duties Act 1971

Goods and Services Tax Act 1985

Stamp and Cheque Duties Act 1971

Schedule 1: amended, on 1 May 2024, by section 87 of the European Union Free Trade Agreement Legislation Amendment Act 2024 (2024 No 10).

Schedule 1: amended, on 24 January 2023, by section 159 of the Plant Variety Rights Act 2022 (2022 No 61).

Schedule 1: amended, on 1 July 2020, by section 17(2) of the Customs and Excise (Tobacco) Amendment Act 2020 (2020 No 16).

Schedule 1: amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Schedule 1: amended, on 29 November 2017, by section 26(1) of the Trade (Anti-dumping and Countervailing Duties) Amendment Act 2017 (2017 No 21).

Schedule 1: amended, on 12 November 2014, by section 31 of the Trade (Safeguard Measures) Act 2014 (2014 No 66).

Schedule 1: amended, on 13 September 2014, by section 249 of the Patents Act 2013 (2013 No 68).

Schedule 1: amended, on 16 September 2011, by section 29(2) of the Trade Marks Amendment Act 2011 (2011 No 71).

Schedule 2
Permanent exemptions

s 79

Animal Remedies Act 1967, to the extent that it deals with any requirement described in section 10(2) applicable to the sale of any animal remedy (within the meaning of the Animal Remedies Act 1967)

Arms Act 2026, to the extent that it deals with any requirement described in section 10(2) applicable to the sale of any item for which a licence or permit is required under the Arms Act 2026

Crimes Act 1961, section 124, to the extent that it deals with any requirement described in section 10(2) applicable to the sale of any indecent model or object

Explosives Act 1957, to the extent that it deals with any requirement described in section 10(2) applicable to the sale of any explosive of the sixth (ammunition) class of the Schedule of the Explosives Act 1957 or the seventh (firework) class of the Schedule of the Explosives Act 1957

Films, Videos, and Publications Classification Act 1993

Gambling Act 2003, to the extent that it deals with any requirement described in section 10(2) applicable to the sale of a gaming machine within the meaning of that Act

Gas Act 1992, to the extent that it deals with any requirement described in section 10(2) applicable to the sale of—

(a) any portable, unflued cabinet heater that is designed for indoor use and operates on liquefied petroleum gas (**LPG**) using an LPG gas cylinder that is self-contained within the heater:

(b) any other gas appliance that operates on LPG unless the appliance has been tested and certified for safe use on universal LPG:

(c) any gas appliance not included in paragraph (a) or (b)

Hazardous Substances and New Organisms Act 1996, to the extent that it deals with any requirement described in section 10(2) applicable to dangerous goods, hazardous substances, and industrial chemicals

Misuse of Drugs Act 1975, Medicines Act 1981, and Dietary Supplements Regulations 1985, to the extent that they or any of them deal with any requirement described in section 10(2) applicable to therapeutic goods

Protected Objects Act 1975, to the extent that it deals with any requirement described in section 10(2) applicable to the sale of any protected New Zealand object (within the meaning of the Protected Objects Act 1975)

Radiation Safety Act 2016, to the extent that it deals with any requirement described in section 10(2) applicable to the sale of any radioactive material (within the meaning of section 5(1) of the Radiation Safety Act 2016)

Radiocommunications Regulations 2001, regulation 32, to the extent that it deals with any requirement described in section 10(2) applicable to radiocommunications equipment

Transport Act 1962, Road User Charges Act 1977, and Land Transport Act 1998, to the extent that they or any of them deal with any requirement described in section 10(2) applicable to road vehicles

Wildlife Act 1953, to the extent that it deals with any requirement described in section 10(2) applicable to the sale of any wildlife (within the meaning of the Wildlife Act 1953)

Any law relating to quarantine, to the extent that it deals with any requirement described in section 10(2) relating to the sale of goods and does not amount to an arbitrary or unjustifiable discrimination or a disguised restriction on trade between Australia and New Zealand

Any law that—

(a) is enacted or made substantially for the purpose of preserving a class of animals or plants from extinction in New Zealand; and

(b) prohibits or restricts the capture, killing, possession, or sale of animals of that class in New Zealand or the killing, possession, or sale of plants of that class in New Zealand,—

to the extent that it deals with any requirement described in section 10(2) relating to the sale of goods

Schedule 2: amended, on 23 September 2026, by section 394 of the Arms Act 2026 (2026 No 47).

Schedule 2: amended, on 7 March 2017, by section 99 of the Radiation Safety Act 2016 (2016 No 6).

Schedule 2: amended, on 30 April 2010, by regulation 3 of the Trans-Tasman Mutual Recognition (Changes to Permanent and Special Exemptions) Regulations 2010 (SR 2010/85).

Schedule 2: amended, on 1 May 2009, by regulation 3(2) of the Trans-Tasman Mutual Recognition (Changes to Permanent and Special Exemptions and Special Exemptions Extension) Regulations 2009 (SR 2009/71).

Schedule 2: amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Schedule 2: amended, on 1 July 2004, by section 374 of the Gambling Act 2003 (2003 No 51).

Schedule 3
Special exemptions

s 81

Schedule 3: amended, on 30 April 2010, by regulation 4(a) of the Trans-Tasman Mutual Recognition (Changes to Permanent and Special Exemptions) Regulations 2010 (SR 2010/85).

Schedule 3: amended, on 30 April 2010, by regulation 4(b) of the Trans-Tasman Mutual Recognition (Changes to Permanent and Special Exemptions) Regulations 2010 (SR 2010/85).

Schedule 3: amended, on 30 April 2010, by regulation 4(c) of the Trans-Tasman Mutual Recognition (Changes to Permanent and Special Exemptions) Regulations 2010 (SR 2010/85).

Schedule 3: amended, on 30 April 2010, by regulation 4(d) of the Trans-Tasman Mutual Recognition (Changes to Permanent and Special Exemptions) Regulations 2010 (SR 2010/85).

Schedule 3: amended, on 30 April 2010, by regulation 4(e) of the Trans-Tasman Mutual Recognition (Changes to Permanent and Special Exemptions) Regulations 2010 (SR 2010/85).

Schedule 3: amended, on 1 January 2009, by section 63(2) of the Public Transport Management Act 2008 (2008 No 87).

Schedule 4
Exempt laws relating to occupations

s 84

Health Practitioners Competence Assurance Act 2003, to the extent that it deals with health practitioners who are, or are deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of that Act as practitioners of the profession of medicine

Schedule 4: amended, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Notes

1 General

This is a consolidation of the Trans-Tasman Mutual Recognition Act 1997 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Arms Act 2026 (2026 No 47): section 394

European Union Free Trade Agreement Legislation Amendment Act 2024 (2024 No 10): section 87

Plant Variety Rights Act 2022 (2022 No 61): section 159

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Secondary Legislation Act 2021 (2021 No 7): section 3

Privacy Act 2020 (2020 No 31): section 217

Customs and Excise (Tobacco) Amendment Act 2020 (2020 No 16): section 17

Customs and Excise Act 2018 (2018 No 4): section 443(3)

Trade (Anti-dumping and Countervailing Duties) Amendment Act 2017 (2017 No 21): section 26(1)

District Court Act 2016 (2016 No 49): section 261

Radiation Safety Act 2016 (2016 No 6): section 99

Trade (Safeguard Measures) Act 2014 (2014 No 66): section 31

Patents Act 2013 (2013 No 68): section 249

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Criminal Procedure Act 2011 (2011 No 81): section 413

Trade Marks Amendment Act 2011 (2011 No 71): section 29

Trans-Tasman Mutual Recognition (Changes to Permanent and Special Exemptions) Regulations 2010 (SR 2010/85)

Trans-Tasman Mutual Recognition (Changes to Permanent and Special Exemptions and Special Exemptions Extension) Regulations 2009 (SR 2009/71)

Public Transport Management Act 2008 (2008 No 87): section 63(2)

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Evidence Act 2006 (2006 No 69): section 216

Insolvency Act 2006 (2006 No 55): section 445

Protected Objects Amendment Act 2006 (2006 No 37): section 35

Lawyers and Conveyancers Act 2006 (2006 No 1): sections 348, 349

Gambling Act 2003 (2003 No 51): section 374

Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(1)

Trans-Tasman Mutual Recognition Act Commencement Order 1998 (SR 1998/61)

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