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

Anand Satyanand, Governor-General

Order in Council

At Wellington this 12th day of April 2010

Present:
His Excellency the Governor-General in Council

Pursuant to sections 82 and 83 of the Trans-Tasman Mutual Recognition Act 1997, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister of Commerce made in accordance with sections 82(3) and 83(2) of that Act, makes the following regulations.

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Schedule 3
Amendments to Schedule 2 of Trans-Tasman Mutual Recognition Act 1997

Regulations

1 Title

These regulations are the Trans-Tasman Mutual Recognition (Changes to Permanent and Special Exemptions) Regulations 2010.

2 Commencement

These regulations come into force on 30 April 2010.

3 Schedule 2 of Trans-Tasman Mutual Recognition Act 1997 amended

Schedule 2 of the Trans-Tasman Mutual Recognition Act 1997 is amended in the manner set out in the Schedule of these regulations.

4 Schedule 3 of Trans-Tasman Mutual Recognition Act 1997 amended

Schedule 3 of the Trans-Tasman Mutual Recognition Act 1997 is amended by omitting—

(a) the items relating to the Hazardous Substances and New Organisms Act 1996 and the heading above them; and

(b) the item relating to the Radiocommunications (Radio) Regulations 1993 and the heading above it; and

(c) the item relating to the Gas Act 1992 and the heading above it; and

(d) the items relating to the Transport Act 1962, the Road User Charges Act 1977, and the Land Transport Act 1998 and the heading above them; and

(e) the items relating to the Misuse of Drugs Act 1975, the Medicines Act 1981, and the Dietary Supplements Regulations 1985 and the heading above them.

Schedule

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Amendments to Schedule 2 of Trans-Tasman Mutual Recognition Act 1997

Item relating to the Gas Act 1992: add:

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

Insert after the item relating to the Gas Act 1992:

"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

"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

"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".

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 30 April 2010, amend the Trans-Tasman Mutual Recognition Act 1997 (the **Act**). Section 79 of the Act provides for permanent exemptions from the Act of laws specified or described in Schedule 2 of the Act. Section 81 of the Act provides for special exemptions from the Act of laws specified or described in Schedule 3 of the Act until the expiry of the ex-

emption period or extended exemption period. The current extended exemption period ends with the close of 30 April 2010.

These regulations make permanent the following special exemptions:

- laws relating to dangerous goods, hazardous substances, and industrial chemicals (Hazardous Substances and New Organisms Act 1996):
- laws relating to radiocommunications equipment (Radiocommunications (Radio) Regulations 1993, Part 5, substituted by the Radiocommunications Regulations 2001, regulation 32):
- laws relating to gas appliance standards (Gas Act 1992, except to the extent already described in Schedule 2 of the Act):
- laws relating to road vehicles (Transport Act 1962, Road User Charges Act 1977, and Land Transport Act 1998):
- laws relating to therapeutic goods (Misuse of Drugs Act 1975, Medicines Act 1981, and Dietary Supplements Regulations 1985).

Section 83 of the Act allows regulations for this purpose to be made on the recommendation of the Minister if the Minister is satisfied that either—

- all of the then participating jurisdictions have endorsed the terms of the proposed regulations; or
- no fewer than two-thirds of the then participating jurisdictions have endorsed the terms of the proposed regulations and a period of 5 years has elapsed since section 81 came into force.

The special exemption of laws relating to electromagnetic compatibility in Schedule 3 of the Act is not made permanent and is omitted from that schedule pursuant to section 82(3) of the Act.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 15 April 2010.
These regulations are administered by the Ministry of Economic Development.

Wellington, New Zealand:
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