

Mutual Recognition Act 1992 (Amendment) Regulations 1993 No. 139

EXPLANATORY STATEMENT

STATUTORY RULES 1993 No. 139

Issued by the Authority of the Minister for Consumer Affairs

Mutual Recognition Act 1992

Mutual Recognition Act 1992 (Amendment) Regulations

Section 47 of the *Mutual Recognition Act 1992* (the Act) provides that the Governor-General may make regulations amending the Schedules to the Act but that no such regulations may be made unless the designated person for each of the participating jurisdictions has published a notice in the official gazette of the jurisdiction setting out the terms of the proposed regulation and requesting that it be made. The provision further provides that for the purposes of the section, the designated person for a State is a Governor, for the Australian Capital Territory is the Chief Minister and for the Northern Territory is the Administrator.

Section 43 of the Act provides that for the purposes of the Act, a participating jurisdiction is:

- (a) a State (other than a Territory) for which there is in force an Act of its Parliament that refers to the Parliament of the Commonwealth the power to enact this Act, or that adopts this Act, under paragraph (xxxvii) of section 51 of the Commonwealth Constitution; or
- (b) a Territory (being the Australian Capital Territory or the Northern Territory) for which there is in force an Act of its legislature that requests the Parliament of the Commonwealth to enact this Act or that enables this Act to apply in relation to it.

Prior to 25 June 1993 the participating jurisdictions are Queensland, New South Wales, the Australian Capital Territory and the Northern Territory. On 25 June 1993 the relevant Tasmanian legislation will come into force. On 1 July 1993 the relevant Victorian legislation will come into force.

By notice in the Australian Capital Territory Gazette on 24 February 1993 the Chief Minister of the Australian Capital Territory for the purposes of subsection 47(2) of the *Mutual Recognition Act 1992* of the Commonwealth requested the Governor-General of the Commonwealth of Australia to make regulations in the form now presented to the Governor-General. Requests in similar form for an identical amendment from the respective Governors and Administrator were published in the Government Gazettes of Queensland on 26 February 1993, in the New South Wales Government Gazette on 26 February 1993 and in the Northern Territory of Australia Government Gazette on 26 February 1993. Original copies of the Gazette notices are annexed.

These requests arise from the fact that in preparing the Act, the Northern Territory *Ozone Protection Act* was inadvertently omitted from Schedule 2 of the Act at the drafting stage. This amendment remedies that omission.

Details of the proposed regulations are as follows:

Regulation 1 is formal provision providing for the citation of the regulation.

Regulation 2 adds the *Ozone Protection Act* of the Northern Territory at the end of Schedule 2 of the Act.

Schedule 2 of the Act provides the list of laws permanently exempted from the operation of Part 2 of the Act. Part 2 deals with goods.