

Product Emissions Standards Amendment (Temporary Exemption and Other Measures) Rules 2018

I, Josh Frydenberg, Minister for the Environment and Energy, make the following rules.

Dated 19 June 2018

Josh Frydenberg

Minister for the Environment and Energy

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1 Name

This instrument is the *Product Emissions Standards Amendment (Temporary Exemption and Other Measures) Rules 2018*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | 1 July 2018. | 1 July 2018 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Product Emissions Standards Act 2017.*

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Product Emissions Standards Rules 2017

1 Paragraph 9(2)(a)

Omit “competition consisting of races”, substitute “organised competition”.

2 Paragraph 9(2)(b)

Omit “such”, substitute “organised”.

3 Subsection 26(1) (table item 1)

Repeal the item, substitute:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1 | propulsion marine engine | a notified body (within the meaning of the Directive mentioned in column 3) | Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft, as in force from time to time | an EC‑type examination certificate |

4 Subsection 26(1) (cell at table item 2, column 1)

Repeal the cell, substitute:

|  |
| --- |
| propulsion marine engine |

5 Subsection 26(1) (cell at table item 3, column 1)

Repeal the cell, substitute:

|  |
| --- |
| propulsion marine engine |

6 Subsection 26(1) (cell at table item 4, column 1)

Repeal the cell, substitute:

|  |
| --- |
| propulsion marine engine |

7 At the end of Part 10

Add:

50A Temporary exemption from the operation of the *Trans‑Tasman Mutual Recognition Act 1997*

(1) For the purposes of section 46 of the *Trans‑Tasman Mutual Recognition Act 1997* (the ***TTMR Act***), this instrument, to the extent that it deals with emissions*‑*controlled products that are propulsion marine engines or non‑road engines, is declared to be exempt from the operation of that Act.

(2) This section is repealed at the earlier of the following times:

(a) immediately before the commencement of any regulations made under subsection 45(3) of the TTMR Act that amend Schedule 2 to that Act to exempt, from the operation of that Act, this instrument (to the extent that it deals with emissions‑controlled products that are propulsion marine engines or non‑road engines);

(b) immediately before the end of the 12‑month period starting on the day this section commences.

Note: Under subsection 46(4) of the TTMR Act, the exemption under subsection (1) of this section cannot operate for longer than a period of 12 months.