The Trans-Tasman Mutual Recognition Agreement (TTMRA) is a non-treaty agreement between the Commonwealth, State and Territory Governments of Australia and the Government of New Zealand, which gives effect to mutual recognition principles relating to the sale of goods and the registration of occupations. In respect of goods, a good that can be legally sold in Australia may be sold in New Zealand and vice versa; in respect of occupations, a person registered to practise an occupation in Australia is entitled to practise the same occupation in New Zealand and vice versa. The Minister for Industry, Tourism and Resources is responsible for the goods component of the TTMRA.

The *Trans-Tasman Mutual Recognition Act 1997* (the Act) recognises within Australia regulatory standards adopted in New Zealand regarding these goods and occupations. The Schedules to the Act set out the exclusions and exemptions to the Act. In particular, Schedule 3 to the Act provides for special exemptions for laws relating to certain goods including therapeutic goods; radio communications devices; road vehicles; gas appliances; and hazardous substances, industrial chemicals, and dangerous goods (including certain consumer product safety standards).

Subsection 48(1) of the Act provides that the laws of an Australian jurisdiction that relate to goods and that are specified or described in Schedule 3 are exempt from the operation of the Act. Subsection 48(2) provides that such Special Exemptions under Schedule 3 operate for no longer than twelve months from the commencement of section 48; however, these Special Exemptions may be extended for up to a further twelve months by regulation. Subsection 48(4) provides that the Governor-General may make regulations amending Schedule 3 for the purposes of extending the exemption period.

The purpose of the Regulations is to extend the Special Exemption status for laws relating to goods covered by Schedule 3 for a further twelve months to 30 April 2007. The extension will allow Australian and New Zealand regulators to continue to develop complementary regulatory arrangements for those matters which are the subject of the current exemptions. The expiry date for regulations covered under Schedule 3 is 30 April each year.

The laws relating to goods covered by Special Exemptions are subject to multi-jurisdictional Cooperation Programs designed to resolve outstanding regulatory issues with the aim of achieving mutual recognition.

Three months before each twelve month Special Exemption period expires, the regulatory authorities responsible for pursuing Cooperation Programs submit a jointly agreed Annual Cooperation Report to Heads of Government of all participating jurisdictions. These reports set out the progress that has been achieved over the previous year and, if relevant, provide a justification as to why a further twelve month extension to the Special Exemption period is needed. On the basis of progress achieved and the timetable for completion, Heads of Government decide whether a further twelve month Special Exemption period should be sought.

Subsection 48(5) of the Act provides that regulations made under subsection 48(4) may not be made unless at least two-thirds of participating jurisdictions have endorsed the regulations.
Section 43 provides that a jurisdiction endorses a regulation by publishing a notice endorsing the terms of the regulations in the jurisdiction’s official gazette and that the making of a recommendation by the Minister to the Governor-General for the making of the regulations constitutes the Commonwealth’s endorsement.

In accordance with subsection 48(5) of the Act, it has been agreed by at least two-thirds of participating jurisdictions to extend the Special Exemption for the laws relating to goods listed under Schedule 3, for a further twelve month period expiring on 30 April 2007.

The Regulations have the effect of implementing Heads of Government decisions in relation to the extension of Special Exemptions. Endorsements of the Regulations have been published in the official gazettes of participating jurisdictions as required under subsection 43(1) of the Act. The making of these Regulations represents endorsement by the Commonwealth as stated in subsection 43(2) of the Act.

The Act specifies no other conditions that need to be satisfied before the power to make the Regulations may be exercised.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commenced on the day after they were registered on the Federal Register of Legislative Instruments.