

I certify that this is a copy of the authorised version of this Act as at 22 December 2021, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 22 December 2021.

K Woodward  
Deputy Chief Parliamentary Counsel  
Dated 18 January 2022



TASMANIA

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## **MUTUAL RECOGNITION (TASMANIA) ACT 1993**

**No. 33 of 1993**

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## MUTUAL RECOGNITION (TASMANIA) ACT 1993

No. 33 of 1993

**An Act to adopt the *Mutual Recognition Act 1992* of the Commonwealth (and any amendments made to it before this Act commences), and to refer power to the Parliament of the Commonwealth to amend that Act, so as to enable the enactment of legislation applying uniformly throughout Australia for the recognition of regulatory standards adopted in Australia regarding goods and occupations**

**[Royal Assent 25 June 1993]**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

### **1. Short title**

This Act may be cited as the *Mutual Recognition (Tasmania) Act 1993*.

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**2. Commencement**

This Act commences on a day to be proclaimed.

**3. Interpretation**

(1) In this Act, unless the contrary intention appears

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*the Commonwealth Act* means the *Mutual Recognition Act 1992* of the Commonwealth;

*participating jurisdiction* means —

- (a) a State for which there is in force an Act of its Parliament that refers to the Parliament of the Commonwealth the power to enact an Act in the terms, or substantially in the terms, of the Commonwealth Act or that adopts the Commonwealth 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 the Commonwealth Act or that enables the Commonwealth Act to apply in relation to it.

(2) . . . . .

#### **4. Adoption of Commonwealth Act**

- (1) The Commonwealth Act as originally enacted, together with any amendments made to that Act before the enactment of this Act, is adopted under paragraph (xxxvii) of section 51 of the Commonwealth Constitution.
- (2) The adoption of the Commonwealth Act has effect for a period commencing on the day on which this Act commences (but not so as to give effect to any adopted provision before that provision commences under section 2 of the Commonwealth Act) and ending on a day fixed under section 4A as the day on which the adoption terminates, but not longer.
- (3) Without limiting subsection (1), the amendments made to the Commonwealth Act by the *Mutual Recognition Amendment Act 2021* of the Commonwealth, as originally enacted, are adopted under paragraph (xxxvii) of section 51 of the Commonwealth Constitution.
- (4) The adoption of the amendments to the Commonwealth Act under subsection (3) has effect for a period commencing on the day on which the *Mutual Recognition (Tasmania) Amendment Act 2021* commences and ending on whichever of the following first occurs:
  - (a) a day fixed under section 4A as the day on which the adoption of the

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amendments under subsection (3)  
terminates;

- (b) the day fixed under section 4A as the day on which the adoption of the Commonwealth Act under subsection (1) terminates.

**4A. Termination of adoptions**

- (1) The Governor may fix, by proclamation, a day as the day on which –
  - (a) the adoption of the Commonwealth Act, under section 4(1), terminates; or
  - (b) the adoption of the amendments to the Commonwealth Act, under section 4(3), terminates.
- (2) For the avoidance of doubt, if a proclamation is made under subsection (1) to terminate the adoption of the amendments to the Commonwealth Act under section 4(3), the termination of the adoption of those amendments does not affect the continued operation in the State of the Commonwealth Act as adopted under section 4(1).

**5. Reference of power to amend the Commonwealth Act**

- (1) Subject to this section, the following matters, to the extent to which they are not otherwise included in the legislative powers of that Parliament, are referred to the Parliament of the

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Commonwealth, namely, the matters to which the Commonwealth Act, as amended by the *Mutual Recognition Amendment Act 2021* of the Commonwealth, relates.

- (2) The reference has effect for a period commencing on the day on which this Act commences and ending on a day fixed under subsection (3) as the day on which the reference terminates, but not longer.
- (3) The Governor may, at any time, fix by proclamation a day as the day on which the reference under this Act terminates.
- (4) For the avoidance of doubt, the amendment of subsection (1) by the *Mutual Recognition (Tasmania) Amendment Act 2021* terminates such part of the reference that required the approval of terms by all participating jurisdictions.

**6. Parliamentary approval required for certain draft proclamations**

- (1) A proclamation is not to be made under section 4A(1) or 5(3) unless a draft of the proclamation is first approved by each House of Parliament.
- (2) For the purposes of subsection (1), a House of Parliament is taken to have approved a draft of a proclamation, as required under this section, if a copy of the draft has been laid on the table of the House and –

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- (a) it is approved by the House; or
- (b) at the expiration of 5 sitting-days after it was laid on the table of the House –
  - (i) there has been no notice given of a motion to disallow it; or
  - (ii) any notice of such a motion has been withdrawn or the motion has been negatived; or
- (c) if a notice of a motion to disallow has been made during that period of 5 sitting-days and not determined at the expiration of the period –
  - (i) the notice is withdrawn; or
  - (ii) the motion has been negatived.

**7. Regulations for temporary exemptions for goods**

Without limiting any other power to make regulations under any other Act, the Governor may make regulations for the purposes mentioned in section 15 of the Commonwealth Act.

**8. Administration of Act**

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –



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- (a) the administration of this Act is assigned to the Treasurer; and
- (b) the Department responsible to the Treasurer in relation to the administration of this Act is the Department of Treasury and Finance.

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**NOTES**

The foregoing text of the *Mutual Recognition (Tasmania) Act 1993* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 22 December 2021 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Mutual Recognition (Tasmania) Act 1993</i>	No. 33 of 1993	1.9.1993
<i>Mutual Recognition (Tasmania) Amendment Act 2021</i>	No. 20 of 2021	22.12.2021

**TABLE OF AMENDMENTS**

Provision affected	How affected
Section 3	Amended by No. 20 of 2021, s. 4
Section 4	Amended by No. 20 of 2021, s. 5
Section 4A	Inserted by No. 20 of 2021, s. 6
Section 5	Amended by No. 20 of 2021, s. 7
Section 6	Substituted by No. 20 of 2021, s. 8