



Speech by

Hon. PETER BEATTIE

MEMBER FOR BRISBANE CENTRAL

Hansard 5 September 2000

TRANS-TASMAN MUTUAL RECOGNITION (QUEENSLAND) AUTHORISATION BILL

Hon. P. D. BEATTIE (Brisbane Central— ALP) (Premier) (12.30 p.m.): I move—

"That the Bill be now read a second time."

Today I introduce a Bill which will allow Queensland to endorse proposed amendments to the Commonwealth Trans-Tasman Mutual Recognition Act 1997. The Bill ensures that certain legislative amendments to the Commonwealth Act are carefully considered by the Queensland Parliament before they apply in Queensland. In March 1999, the Legislative Assembly passed the Trans-Tasman Mutual Recognition (Queensland) Act 1999, which made Queensland a participating party in the Trans-Tasman Mutual Recognition Arrangement. The arrangement provides for the recognition within Australia of regulatory standards adopted in New Zealand regarding goods and occupations.

In passing the Queensland Act, this House scrutinised the ability of the Queensland Act to have sufficient regard to the principle of parliamentary sovereignty. That is, in accordance with the Legislative Standards Act 1992 all Queensland legislation must have sufficient regard to the institution of Parliament. The Queensland Act was subsequently passed with section 5 clearly upholding the principle of parliamentary sovereignty.

Under section 5(1) of the Queensland Act, the Governor in Council may make a gazette notice endorsing a Commonwealth regulation before it is made. However, under section 5(2) the Governor in Council may only make a particular gazette notice under subsection (1) by the express authority of an Act. This section ensures that the Queensland Parliament can scrutinise certain Commonwealth regulations before they are made and apply in Queensland.

The Trans-Tasman Mutual Recognition (Queensland) Authorisation Bill 2000 will give authority to the Governor in Council to make a gazette notice endorsing certain proposed Commonwealth regulations. That is, those which seek to amend Schedule 2 of the Commonwealth Act to permanently exempt energy efficiency labelling and sections 15 and 15A of the South Australian Summary Offences Act 1953. Energy efficiency labelling and sections 15 and 15A of the South Australian Summary Offences Act 1953 have been exempted from the Trans-Tasman Mutual Recognition Arrangement through temporary exemptions.

The Commonwealth has now proposed the introduction of a permanent exemption in respect of energy efficiency labelling for electrical products. The South Australian Government has also requested a permanent exemption for sections 15 and 15A of the South Australian Summary Offences Act 1953, which prohibit the sale and possession of offensive weapons and body armour. The permanent exemption of energy efficiency labelling from the Trans-Tasman Mutual Recognition Arrangement will ensure that New Zealand manufacturers and importers are legally required under Queensland law to comply with Queensland's energy efficiency labelling program.

Also, the permanent exemption of sections 15 and 15A of the South Australian Summary Offences Act 1953 will ensure that New Zealand manufacturers and importers of firearms and body armour will not be able to import these goods into South Australia, and subsequently into the rest of Australia, unless provided for under relevant Australian legislation. These permanent exemptions require the Commonwealth to amend the Permanent Exemption Schedule of the Commonwealth Act. Section 45 of the Commonwealth Act provides that a regulation may not be made for the purposes of

permanent exemptions unless all of the participating jurisdictions have endorsed the proposed regulation. Queensland is a participating jurisdiction.

The Schedule of the Trans-Tasman Mutual Recognition (Queensland) Authorisation Bill 2000 contains the text of the proposed Commonwealth regulations. Members should note that the Commonwealth regulations are not endorsed until the Schedule is gazetted by the Governor in Council. Each subsequent proposed Commonwealth regulation seeking permanent exemptions will be endorsed only after the assent of an amendment Act. Each amendment Act will amend the Schedule of the Trans-Tasman Mutual Recognition (Queensland) Authorisation Act 2000 as passed.

The amendments will involve the inclusion of the wording of future proposed Commonwealth regulations within the Schedule, thereby ensuring that any future amendments in relation to permanent exemptions are carefully considered by the Queensland Parliament before they apply in Queensland.

I want to assure members that the Bill is technical in nature, is required under section 5 of the Queensland Act, and will ensure that Queensland participates in permanently exempting energy efficiency labelling and firearms and body armour from the Trans-Tasman Mutual Recognition Arrangement. I commend the Bill to the House.
