

Trans-Tasman Mutual Recognition (Endorsement) Notice 2025

Explanatory notes for SL 2025 No. 123

made under the

Trans-Tasman Mutual Recognition (Queensland) Act 2003

General Outline

Short title

Trans-Tasman Mutual Recognition (Endorsement) Notice 2025

Authorising law

Sections 43 and 47 of the *Trans-Tasman Mutual Recognition Act 1997* (Cth)
Section 7 of the *Trans-Tasman Mutual Recognition (Queensland) Act 2003*

Policy objectives and the reasons for them

The policy objective of the notice is to endorse proposed Commonwealth Regulations to be made by the Governor-General under the *Trans-Tasman Mutual Recognition Act 1997* (Cth) (Commonwealth Act), pursuant to section 43(1) of the Commonwealth Act.

The Commonwealth Act provides for the recognition within Australia of regulatory standards adopted in New Zealand regarding certain goods and occupations. The *Trans-Tasman Mutual Recognition (Queensland) Act 2003* (Queensland Act) adopted the Commonwealth Act as a law of Queensland.

The Commonwealth Act provides that goods that may lawfully be sold in New Zealand may lawfully be sold in an Australian jurisdiction without the necessity for compliance with further requirements imposed under Australian legislation.

The Commonwealth *Public Health (Tobacco and Other Products) Act 2023* (Tobacco Act) implemented new measures introduced by the Australian Government in 2023 aimed at addressing gaps in existing advertising prohibitions for tobacco products to further discourage smoking and tobacco use. Some of these measures differ from the tobacco control measures in place in New Zealand.

The Commonwealth *Public Health (Tobacco and Other Products) Regulations 2024* put in place a temporary exemption for the Tobacco Act from the Commonwealth Act. The effect of the temporary exemption was that tobacco products imported into or produced in

New Zealand had to comply with the requirements of the Tobacco Act to be lawfully sold in Australia. This temporary exemption lapsed on 31 March 2025. Continued exemption will ensure that tobacco products imported from New Zealand which do not comply with the Tobacco Act remain unable to be lawfully sold in Australia.

Section 47 of the Commonwealth Act creates a mechanism to extend existing temporary exemptions for an additional period. Under section 47(3) of the Commonwealth Act, laws are exempt if the laws are declared by regulations under the Commonwealth Act to be exempt from the operation of the Act. The Governor-General may make regulations for the purposes of section 47.

The Governor-General may not make the regulation unless at least two-thirds of participating jurisdictions have endorsed the regulation. Section 43 of the Commonwealth Act provides that a jurisdiction endorses a regulation if the designated person for the jurisdiction publishes a notice in the official gazette of the jurisdiction setting out and endorsing the terms of the regulation before it is made.

To endorse the proposed Commonwealth Regulations, the designated person for Queensland must make a gazette notice, setting out and endorsing the terms of the proposed Commonwealth Regulations. For Queensland, the Governor is the designated person under section 7(1) of the Queensland Act.

Section 7(2) of the Queensland Act provides that the gazette notice made by the Governor endorsing the Commonwealth regulations is subordinate legislation. The Office of Queensland Parliamentary Counsel (OQPC) has prepared the gazette notice.

Achievement of policy objectives

The policy objectives are achieved by the notice setting out and endorsing the proposed Commonwealth Regulations as required under section 7 of the Queensland Act and section 43(1) of the Commonwealth Act.

Consistency with policy objectives of authorising law

The notice is consistent with the main objectives of the *Trans-Tasman Mutual Recognition (Queensland) Act 2003*.

Inconsistency with policy objectives of other legislation

The notice is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The notice is the only effective means of achieving the policy objectives.

Benefits and costs of implementation

The implementation of the notice will have no impact in Queensland.

Consistency with fundamental legislative principles

The notice does not raise fundamental legislative principles as it affects corporate entities, not individuals,

Consultation

As the notice has no impact on persons in Queensland no further community consultation has been carried out on the notice.

A Summary Impact Analysis Statement has been completed that identifies that the notice is not subject to further regulatory impact assessment requirements under *The Queensland Government Better Regulation Policy* as the proposal endorses the extension of a previous transitional provision, providing for a temporary exemption, which lapsed on 31 March 2025.