



Trans-Tasman Mutual Recognition (Temporary Exemption) Regulations 2003

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 28th day of January 2003

Present:

Her Excellency the Governor-General in Council

Pursuant to section 86 of the Trans-Tasman Mutual Recognition Act 1997, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and in accordance with the recommendation of the Minister of Commerce, makes the following regulations.

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Regulations

1 Title

These regulations are the Trans-Tasman Mutual Recognition (Temporary Exemption) Regulations 2003.

2 Commencement

These regulations come into force on 1 February 2003.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Trans-Tasman Mutual Recognition Act 1997

Efficiency Regulations means the Energy Efficiency (Energy Using Products) Regulations 2002

importer means a person by or for whom goods are imported

lighting ballasts means goods in the product class “Ballasts for fluorescent lamps” in Schedule 1 of the Efficiency Regulations

water heaters means goods in the product classes “Low-pressure copper thermal storage electric water heaters” or “Storage water heaters (electrically heated)” in Schedule 1 of the Efficiency Regulations; but does not include cylinders designed specifically for use with a solar collector or mains pressure cylinders with 3 or more heating elements.

4 Temporary exemption

- (1) Regulations 4 and 5 of the Efficiency Regulations are exempted from the Act to the extent that they apply to lighting ballasts or water heaters.
- (2) The period of exemption is the period of 12 months from the beginning of 1 February 2003 to the close of 31 January 2004.

5 Goods purchased before 1 February 2003

Regulation 4 does not apply to lighting ballasts or water heaters imported into New Zealand if the importer purchased them under a contract of purchase entered into before 1 February 2003.

Martin Bell,
Acting for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 February 2003, exempt, for a period of 12 months, regulations 4 and 5 of the Energy Efficiency (Energy Using Products) Regulations 2002 from the Trans-Tasman Mutual Recognition Act 1997 (the **Act**), to the extent that those regulations apply to certain lighting ballasts and water heaters (the **goods**). However, the exemption does not apply if the goods were purchased by an importer before 1 February 2003.

Under the Act, a product that is produced in, or imported into, Australia and that can be sold in Australia may also be sold in New Zealand, notwithstanding that it may not comply with a more stringent New Zealand standard or other requirement for that product. From 1 February 2003 (when the relevant New Zealand standards come into force), Australia's minimum energy performance standards for lighting ballasts and electric storage water heaters will be lower than the New Zealand standards. This could jeopardise the New Zealand Government's energy efficiency objectives, with potential adverse effects on the environment.

The effect of these regulations is that for a period of 12 months from 1 February 2003 the goods to which these regulations apply, whether capable of being sold in Australia or not, must comply with regulations 4 and 5 of the Energy Efficiency (Energy Using Products) Regulations 2002.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 30 January 2003.

These regulations are administered in the Ministry of Economic Development.
