

Australian Capital Territory

# Trans-Tasman Mutual Recognition (Commonwealth Regulations) Endorsement 2004 (No 2)\*

Notifiable instrument NI2004-151

made under the

*Trans-Tasman Mutual Recognition Act 1997*, s 6A (Endorsement of Commonwealth Regulations)

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I endorse the proposed *Trans-Tasman Mutual Recognition (Revival of Temporary Exemption for Water Heaters) Regulations 2004* (Cth) for the *Trans-Tasman Mutual Recognition Act 1997* section 47 (7), that are set out in the schedule.

Jon Stanhope  
Chief Minister  
24 May 2004

\*Name amended under Legislation Act, s 60

**TRANS-TASMAN MUTUAL RECOGNITION (REVIVAL OF TEMPORARY  
EXEMPTION FOR WATER HEATERS) REGULATIONS 2004**

Governor-General

ORDER IN COUNCIL

At Wellington this        day of                    2004

Present:

IN COUNCIL

Pursuant to section 87(1)(a) 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 (being satisfied as to the matters required by section 87(2) of that Act) makes the following regulations.

REGULATIONS

**1 Title**

These regulations are the Trans-Tasman Mutual Recognition (Revival of Temporary Exemption for Water Heaters) Regulations 2004.

**2 Commencement**

These regulations come into force on gazettal.

**3 Interpretation**

In these regulations, unless the context otherwise requires,—

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

**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 exemptions**

- (1) Regulations 4 and 5 of the Efficiency Regulations are exempted from the Act to the extent that they apply to water heaters.
- (2) The period of exemption is the period from the making of these regulations to the close of 31 January 2005.

## 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 gazettal, exempt, until the close of 31 January 2005, regulations 4 and 5 of the Energy Efficiency (Energy Using Products) Regulations 2002 from the Trans-Tasman Mutual Recognition Act 1997 to the extent that those regulations apply to certain water heaters.

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, even though 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 came into force), Australia's minimum energy performance standards for electric storage water heaters have been less stringent than the New Zealand standards set out in the Energy Efficiency (Energy Using Products) Regulations 2002. This potentially jeopardises the New Zealand Government's energy efficiency objectives, with potential adverse effects on the environment. Therefore, a temporary 12-month exemption in relation to water heaters was granted under the Trans-Tasman Mutual Recognition (Temporary Exemption) Regulation 2003, with the result that all water heaters sold in New Zealand must meet the New Zealand standards set out in the Energy Efficiency (Energy Using Products) Regulations 2002.

The effect of these regulations is that for a period from the making of these regulations until the close of 31 January 2005, the exemption is revived so that the water heaters 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.