



Queensland

Mutual Recognition (Queensland) Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 115

made under the

Mutual Recognition (Queensland) Act 1992

General outline

Short title

Mutual Recognition (Queensland) Amendment Regulation (No. 1) 2013

Authorising law

Sections 5(1)(b), 5(3) and 6 of the *Mutual Recognition (Queensland) Act 1992* and section 20A of the *Statutory Instruments Act 1992*.

Policy objectives and the reasons for them

The regulation amends the *Mutual Recognition (Queensland) Regulation 2009*. The objective of the regulation is to approve the terms of amendments to the *Mutual Recognition Act 1992 (Cth)* (the Commonwealth Act), as required under sections 5(1)(b) and 6 of the *Mutual Recognition (Queensland) Act 1992*.

The amendments to the Commonwealth Act will permanently exempt certain parts of the *Environment Protection (Beverage Containers and Plastic Bags) Act 2011 (NT)* (“the NT Container Deposit Act”) from the application of the Commonwealth Act.

Section 5(1)(b) of the *Mutual Recognition (Queensland) Act 1992* (the Queensland Act) referred legislative power to the Commonwealth Parliament to make amendments to the Commonwealth Act “but only in terms which are approved by the designated person for each of the then participating jurisdictions”. Section 5(3) provides that the Governor is the designated person for Queensland.

Section 6 of the Queensland Act provides that “[f]or the purposes of section 5(1)(b), the Governor may, by proclamation, approve the terms of amendments of the Commonwealth Act”. Section 20A of the *Statutory Instruments Act 1992* provides that if an Act authorises or requires the Governor to make subordinate legislation for a matter other than by regulation, the Governor in Council may make provision for the matter by regulation made under that Act.

The *Mutual Recognition (Queensland) Regulation 2009* was made to approve amendments to the Commonwealth Act to permanently exempt certain legislation of South Australia. It is appropriate that the approval of the amendments to the Commonwealth Act to permanently exempt the relevant parts of the NT Container Deposit Act should also be included in the *Mutual Recognition (Queensland) Regulation 2009*.

Achievement of policy objectives

The regulation will approve the terms of the amendments to the Commonwealth Act, as required under section 5(1)(b) of the Queensland Act.

Consistency with policy objectives of authorising law

The regulation is consistent with the objectives of the *Mutual Recognition (Queensland) Act 1992*. The regulation enables the enactment of amendments to the *Mutual Recognition Act 1992 (Cth)* by the Governor-General, therefore maintaining the uniformity and integrity of the mutual recognition arrangements under that Act.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

As the regulation approves amendments to the Commonwealth Act that affect legislation in the Northern Territory, there are no anticipated costs or benefits in Queensland.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles.

The regulation is authorised under the *Mutual Recognition (Queensland) Act 1992* and the *Statutory Instruments Act 1992*.

The regulation is consistent with the policy objectives of the authorising law and only amends another regulation.

Consultation

As the regulation has no impact in Queensland, no consultation has been carried out on the regulation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is Queensland Treasury and Trade.