

Mutual Recognition (Queensland) (ACT Container Deposit Scheme) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 191

made under the

Mutual Recognition (Queensland) Act 1992

General Outline

Short title

Mutual Recognition (Queensland) (ACT Container Deposit Scheme) Amendment Regulation 2018

Authorising law

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

Policy objectives and the reasons for them

The *Mutual Recognition (Queensland) (ACT Container Deposit Scheme) Amendment Regulation 2018* (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)* (Commonwealth Act), as required under sections 5(1)(b) and 6 of the *Mutual Recognition (Queensland) Act 1992* (Queensland Act).

The amendments to the Commonwealth Act will permanently exempt certain parts of the *Waste Management and Resource Recovery Act 2016 (ACT)* and regulations made under that Act (ACT Container Deposit Laws) from the application of the Commonwealth Act.

Section 5(1)(b) of 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 and was amended in 2013 and 2017 to approve amendments to the Commonwealth Act to permanently exempt the container desposit scheme legislation of the Northern Territory and New South Wales respectively. It is appropriate that the approval of the amendments to the Commonwealth Act to permanently exempt the relevant parts of the ACT Container Deposit Laws 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 Queensland Act. The regulation enables the enactment of amendments to the Commonwealth Act 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

The ACT Container Deposit Laws will result in increased compliance costs for beverage manufacturers and importers in Queensland who sell products covered by the laws in ACT. Key costs relate to the approval of beverage containers and labels and contributions to scheme costs. An examination of the likely impacts of the ACT Container Deposit Laws indicates that the laws are unlikely to result in significant adverse impacts for Queensland.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles.

The regulation is authorised under the Queensland Act and the *Statutory Instruments Act 1992*.

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

Consultation

The Office of Best Practice Regulation was consulted regarding the regulatory impact analysis requirements of *The Queensland Government Guide to Better Regulation* and advised that no further assessment was required on the basis that the proposed regulation was unlikely to have significant adverse impacts on Queensland.