

# Mutual Recognition (Queensland) (Tasmanian Container Deposit Scheme) Amendment Regulation 2023

Explanatory notes for SL 2023 No. 129

made under the

*Mutual Recognition (Queensland) Act 1992*

## General Outline

### Short title

*Mutual Recognition (Queensland) (Tasmanian Container Deposit Scheme) Amendment Regulation 2023*

### 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) (Tasmanian Container Deposit Scheme) Amendment Regulation 2023* (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 *Container Refund Scheme Act 2022* (Tas.) and regulations made under that Act (Tasmanian 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, 2017, 2018 and 2020 to approve amendments to the Commonwealth Act to permanently exempt the container deposit scheme legislation of the Northern Territory, New South Wales, the Australian Capital Territory, and Western Australia respectively. It is appropriate that the approval of the amendments to the Commonwealth Act to permanently exempt the relevant parts of the Tasmanian 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 Tasmanian Container Deposit Laws may result in increased compliance costs for beverage manufacturers and importers in Queensland who sell products covered by the laws in Tasmania. Key costs relate to the approval of beverage containers and labels and contributions to scheme costs. An examination of the likely impacts of the Container Deposit Laws was undertaken by Tasmania through a regulatory impact statement (RIS) process, which indicated that the laws are unlikely to result in significant adverse impacts for Queensland. The Australian Government's Office of Impact Analysis confirmed the RIS was compliant with the requirements of the *Regulatory Impact Analysis Guide for Ministerial Councils and National Standard Setting Bodies* (June 2021). As the RIS process meets the requirements of *The Queensland Government Better Regulation Policy*, no further regulatory impact analysis is required.

## **Consistency with fundamental legislative principles**

The regulation does not raise fundamental legislative principles.

## **Consultation**

As a RIS process was undertaken comparable to Queensland requirements, no further consultation was considered necessary.