

Trans-Tasman Mutual Recognition (Queensland) (WA Container Deposit Scheme) Notice 2020

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Cameron Dick, Treasurer and Minister for Infrastructure and Planning provide this human rights certificate with respect to the *Trans-Tasman Mutual Recognition (Queensland) (WA Container Deposit Scheme) Notice 2020* made under the *Trans-Tasman Mutual Recognition (Queensland) Act 2003*.

In my opinion, the *Trans-Tasman Mutual Recognition (Queensland) (WA Container Deposit Scheme) Notice 2020*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The purpose of the *Trans-Tasman Mutual Recognition (Queensland) (WA Container Deposit Scheme) Notice 2020* is to endorse a regulation to be made by the Governor-General under section 45 of the *Trans-Tasman Mutual Recognition Act 1997 (Cth)* (Cth TTMRA) permanently exempting certain legislation of Western Australia (WA) relating to that state's Container Deposit Scheme from the application of the Cth TTMRA.

The *Trans-Tasman Mutual Recognition (Queensland) (WA Container Deposit Scheme) Notice 2020* is subordinate legislation due to section 7(2) of the *Trans Tasman Mutual Recognition (Queensland) Act 2003*.

The Container Deposit Scheme for WA is a recycling scheme for beverage containers similar to those in operation in other jurisdictions such as Queensland, New South Wales, South Australia, Northern Territory and the Australian Capital Territory.

The exemption from the application of the Cth TTMRA will ensure that relevant beverage containers sold in WA that have been imported from or produced in New Zealand comply with the labelling requirements of the Container Deposit Scheme for WA. Under section 3G of the *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2019 (WA)*, eligible containers will be required to display a 10 cent refund mark.

Authorising law:

- Sections 43 and 45 of the *Trans-Tasman Mutual Recognition Act 1997 (Cth)*
- Section 7(1) of the *Trans-Tasman Mutual Recognition (Queensland) Act 2003*

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

No human rights are identified as engaged or limited by the *Trans-Tasman Mutual Recognition (Queensland) (WA Container Deposit Scheme) Notice 2020*.

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

No human rights are identified as engaged or limited by the *Trans-Tasman Mutual Recognition (Queensland) (WA Container Deposit Scheme) Notice 2020*.

Conclusion

I consider that the *Trans-Tasman Mutual Recognition (Queensland) (WA Container Deposit Scheme) Notice 2020* is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

THE HONOURABLE CAMERON DICK MP
TREASURER, MINISTER FOR INFRASTRUCTURE AND PLANNING

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