

2017

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

Trans-Tasman Mutual Recognition Regulation 2017

Subordinate Law No SL2017-39

made under the **Trans-Tasman Mutual Recognition Act 1997**

EXPLANATORY STATEMENT

Circulated by the authority of
Andrew Barr MLA
Minister for Economic Development

Mutual Recognition (Australian Capital Territory) Regulation 2017

Trans-Tasman Mutual Recognition Regulation 2017

Outline

These Regulations are drafted under the *Mutual Recognition Act 1992* (ACT), section 7, and the *Trans-Tasman Mutual Recognition Act 1997* (ACT), section 8.

The *Waste Management and Resource Recovery Amendment Act 2017* was notified on 9 November 2017. This Act establishes the legal framework for the Territory to establish a container deposit scheme where the community can return certain empty beverage containers for a 10 cent refund. The scheme is designed to reduce litter and increase recycling of empty beverage containers. The scheme will commence in 2018.

Container deposit schemes breach the Commonwealth *Mutual Recognition Act 1992* and *Trans-Tasman Mutual Recognition Act 1997* (the Mutual Recognition Acts), in that they impose additional, jurisdiction specific requirements on the sale of goods across Australia and New Zealand.

The Territory's container deposit scheme requires beverage manufacturers to print refund markings on eligible beverage containers and pay a contribution into the scheme to provide for a 10 cent refund to consumers on empty containers. Container deposit schemes therefore require exemption from the Mutual Recognition Acts.

These two Regulations provide the Territory's container deposit scheme with a 12-month temporary exemption from the Mutual Recognition Acts. Permanent exemptions are currently being sought from all Australian and New Zealand jurisdictions. A permanent exemption comes from the Commonwealth making Regulations through the Office of Best Practice Regulation and the Department of Industry & Innovation.

Summary of clauses – Trans-Tasman Mutual Recognition Regulation 2017

Clause 1 - Name of regulation – provides that the name of the regulation is the *Trans-Tasman Mutual Recognition Regulation 2017*.

Clause 2 - Commencement – provides that the regulation commences on the day after its notification day.

Clause 3 – Notes – explains that a note included in the regulation is not part of the regulation.

Clause 4 – Temporary Exemption – provides that the Territory's container deposit scheme, as set out in part 10A of the *Waste Management and Resource Recovery Act 2016* and any related Regulations, is exempt from the Commonwealth *Trans-Tasman Mutual Recognition Act 1997*.

Clause 5 – Expiry – Provides that the Regulation expires 12 months after it commences.