

# Trans-Tasman Mutual Recognition (Plastic Reduction) Regulation 2021

## Subordinate Law SL2021-14

made under the

Trans-Tasman Mutual Recognition Act 1997

## EXPLANATORY STATEMENT

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This explanatory statement relates to the Trans-Tasman *Mutual Recognition (Plastic Reduction) Regulation 2021* as made by the Executive. It has been prepared to assist the reader of the regulation. It does not form part of the regulation.

This explanatory statement must be read in conjunction with the regulation. It is not, and not intended to be, a comprehensive description of the regulation. What is written about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

### Outline

This regulation is drafted under the *Trans-Tasman Mutual Recognition Act 1997* (ACT), section 8.

The *Plastic Reduction Act 2021* will commence on 1 July 2021.

The *Plastic Reduction Act 2021* aims to reduce the use of plastic in the ACT, particularly single-use plastic, by prohibiting the supply of identified single-use plastic items. These items create significant issues for the ACT's environment (e.g., through litter) and waste management and resource recovery sector (e.g. ending up in landfill or contaminating material streams in the ACT Materials Recovery Facility). It also establishes a framework for adding other products in the future and absorbs the existing plastic shopping bag ban to streamline plastic-related regulation in the ACT.

The *Plastic Reduction Act 2021* breaches the Commonwealth *Trans-Tasman Mutual Recognition Act 1997* (the Mutual Recognition Act), in that it imposes additional, jurisdiction specific requirements on the sale of goods across Australia and New Zealand. The single-use plastic items banned by the *Plastic Reduction Act 2021* are not banned in all other Australian jurisdictions and therefore an exemption from the Mutual Recognition Act is required.

This regulation provides the *Plastic Reduction Act 2021* with a 12-month temporary exemption from the Mutual Recognition Act. A permanent exemption will be 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 Science, Energy and Resources.

## **Human Rights Implications**

This Regulation does not create any new human rights implications. The human rights implications relating to the *Plastic Reduction Act 2021* are detailed in the explanatory statements for the *Plastic Reduction Bill 2020*.

## **Summary of Clauses – Trans-Tasman Mutual Recognition Regulation 2017**

### **Clause 1      Name of regulation**

This clause provides that the name of the regulation is the *Trans-Tasman Mutual Recognition (Plastic Reduction) Regulation 2021*.

### **Clause 2      Commencement**

This clause provides that the regulation commences on 1 July 2021.

### **Clause 3      Notes**

This clause explains that a note included in the regulation is not part of the regulation.

### **Clause 4      Temporary Exemption**

This clause provides that the *Plastic Reduction Act 2021* and any related regulations and subordinate legislation, is exempt from the Commonwealth *Trans-Tasman Mutual Recognition Act 1997*.

### **Clause 5      Expiry**

This clause provides that the regulation expires 12 months after it commences.