

Mutual Recognition (Queensland) (Victorian Container Deposit Scheme) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 141

made under the

Mutual Recognition (Queensland) Act 1992

General Outline

Short title

Mutual Recognition (Queensland) (Victorian Container Deposit Scheme) Amendment Regulation 2025

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) (Victorian Container Deposit Scheme) Amendment Regulation 2025* (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 *Circular Economy (Waste Reduction and Recycling) Act 2021* (Vic.) and regulations made under that Act (VIC 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, 2020 and 2023 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, Western Australia and Tasmania respectively. It is appropriate that the approval of the amendments to the Commonwealth Act to permanently exempt the relevant parts of the VIC 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 main objectives of the *Mutual Recognition (Queensland) Act 1992*.

Inconsistency with policy objectives of other legislation

The regulation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The regulation is the only effective means of achieving the policy objectives.

Benefits and costs of implementation

As Queensland manufacturers exporting relevant beverages to Victoria are already subject to equivalent labelling requirements for beverage containers sold in the other states and territories, including Queensland, there is likely to be negligible compliance costs for industry and no costs for the Queensland Government.

Consistency with fundamental legislative principles

The regulation does not raise fundamental legislative principles.

Consultation

As the regulation has negligible impact on persons in Queensland no further community consultation has been carried out on the regulation.

In accordance with *The Queensland Government Better Regulation Policy* (the Better Regulation Policy), the Office of Best Practice Regulation was notified of the regulatory proposal and an Impact Analysis Statement (IAS) prepared. The IAS identifies that the regulation is not subject to further regulatory impact assessment requirements under the Better Regulation Policy as the proposal is minor in nature and has negligible regulatory costs.