

Trans-Tasman Mutual Recognition (Queensland) (Victorian Container Deposit Scheme) Notice 2025

Explanatory notes for SL 2025 No. 146

made under the

Trans-Tasman Mutual Recognition (Queensland) Act 2003

General Outline

Short title

Trans-Tasman Mutual Recognition (Queensland) (Victorian Container Deposit Scheme) Notice 2025

Authorising law

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

Policy objectives and the reasons for them

The *Trans-Tasman Mutual Recognition (Queensland) (Victorian Container Deposit Scheme) Notice 2025* (notice) endorses proposed Commonwealth regulations to be made by the Governor-General under the *Trans-Tasman Mutual Recognition Act 1997* (Commonwealth Act), pursuant to section 43(1) of the Commonwealth Act.

The Commonwealth Act provides for the recognition within Australia of regulatory standards adopted in New Zealand regarding certain goods and occupations. The *Trans-Tasman Mutual Recognition (Queensland) Act 2003* (Queensland Act) adopted the Commonwealth Act as a law of Queensland.

The Commonwealth Act provides that goods that may lawfully be sold in New Zealand may lawfully be sold in an Australian jurisdiction without the necessity for compliance with further requirements imposed under Australian legislation.

Victoria introduced the *Circular Economy (Waste Reduction and Recycling) Act 2021* (Vic.) and regulations made under that Act (VIC Container Deposit Laws) to create a container deposit scheme. Certain requirements of the scheme are contrary to the mutual recognition principle.

The amendments to the Commonwealth Act will permanently exempt certain parts of the 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 45 of the Commonwealth Act provides that laws listed in Schedule 2 of the Act are permanently exempt from the mutual recognition principle. Section 45(3) of the Commonwealth Act provides that the Governor-General may amend the Schedule to the Act by way of regulation.

Under section 45(4) of the Commonwealth Act, the Governor-General may not make the regulation unless all of the then participating jurisdictions have endorsed the regulation. Section 43(1) of the Commonwealth Act provides that a jurisdiction endorses a regulation if the designated person for the jurisdiction publishes a notice in the official gazette of the jurisdiction setting out and endorsing the terms of the regulation before it is made.

The Governor is the designated person for Queensland under section 4 of the Commonwealth Act and section 7(1) of the Queensland Act. Section 7(2) of the Queensland Act provides that the Gazette Notice is subordinate legislation and the Gazette Notice has therefore been prepared by the Office of the Queensland Parliamentary Counsel.

Achievement of policy objectives

The policy objectives are achieved by the notice setting out and endorsing the proposed Commonwealth regulation, as required under section 7 of the Queensland Act and section 43(1) of the Commonwealth Act.

Consistency with policy objectives of authorising law

The notice is consistent with the main objectives of the *Trans-Tasman Mutual Recognition (Queensland) Act 2003*.

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

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

Benefits and costs of implementation

As a consequence of the permanent exemption, beverage products that may be lawfully sold in New Zealand, that are within scope of the Victorian Container Deposit Scheme, will have to comply with the labelling requirements of that scheme to be lawfully sold in Victoria.

The implementation of the notice will have negligible impacts in Queensland.

Consistency with fundamental legislative principles

The notice does not raise fundamental legislative principles.

Consultation

As the notice 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 notice 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.