

Economics and Governance Committee

Report No. 4, 56th Parliament

Subordinate legislation tabled between 11 October 2017 and 24 October 2017

Introduction

Role of the committee

The Economics and Governance Committee (the committee) is a portfolio committee of the Legislative Assembly.¹ The committee's primary areas of responsibility include:

- Premier and Cabinet, and Trade
- Treasury, and Aboriginal and Torres Strait Islander Partnerships
- Local Government, Racing and Multicultural Affairs.

The committee is responsible for examining each item of subordinate legislation in its portfolio area to consider the policy to be given effect by the legislation, the application of fundamental legislative principles, and the lawfulness of the legislation.²

Aim of this report

This report summarises the committee's examination of subordinate legislation tabled between 11 October 2017 and 24 October 2017. It reports on any identified fundamental legislative principle issues and the explanatory notes' compliance with the *Legislative Standards Act 1992*.

Subordinate legislation considered

The committee considered the following subordinate legislation.

SL No.	Subordinate legislation	Tabled date	Disallowance date
210 of 2017	Mutual Recognition (Queensland) (NSW Container Deposit Scheme) Amendment Regulation 2017	24 October 2017	3 May 2018
211 of 2017	Trans-Tasman Mutual Recognition (NSW Container Deposit Scheme) Notice 2017	24 October 2017	3 May 2018

SL 210 of 2017 - Mutual Recognition (Queensland) (NSW Container Deposit Scheme) Amendment Regulation 2017

The objective of the Mutual Recognition (Queensland) (NSW Container Deposit Scheme) Amendment Regulation 2017 is to approve the terms of amendments to the *Mutual Recognition Act 1992* (Cth) (the MR Act), to permanently exempt certain parts of the *Waste Avoidance and Resource Recovery Amendment Act 2001* (NSW) and regulations under that Act from the application of the MR Act.³

¹ *Parliament of Queensland Act 2001*, s 88 and Standing Order 194.

² *Parliament of Queensland Act 2001*, s 93.

³ Mutual Recognition (Queensland) (NSW Container Deposit Scheme) Amendment Regulation 2017 explanatory notes, p 1.

Under Queensland legislation amendments may only be made to the MR Act ‘in terms which are approved by the designated person for each of the then participating jurisdictions’.⁴ The Governor is the designated person for Queensland, and the Mutual Recognition (Queensland) (NSW Container Deposit Scheme) Amendment Regulation 2017 approves the terms of amendments to the MR Act.⁵

Committee comment

The committee identified no issues regarding consistency with fundamental legislative principles or the lawfulness of the Mutual Recognition (Queensland) (NSW Container Deposit Scheme) Amendment Regulation 2017.

The committee notes that the explanatory notes tabled with the regulation comply with the requirements of the *Legislative Standards Act 1992*.

SL 188 of 2017 - Trans-Tasman Mutual Recognition (NSW Container Deposit Scheme) Notice 2017

The objective of the Trans-Tasman Mutual Recognition (NSW Container Deposit Scheme) Notice 2017 is to endorse proposed Commonwealth regulations to be made under the *Trans-Tasman Mutual Recognition Act 1997* (Cth) (TTMR Act), to extend the temporary exemption for New South Wales’ laws for its container deposit scheme from the operation of the TTMR Act for a further 12 months.⁶

Under the TTMR Act, the Governor-General may not make the proposed regulation to extend the temporary exemption unless at least two-thirds of the participating jurisdictions have endorsed the regulation.⁷ The Trans-Tasman Mutual Recognition (NSW Container Deposit Scheme) Notice 2017 endorses the proposed Commonwealth regulations.⁸

Committee comment

The committee identified no issues regarding consistency with fundamental legislative principles or the lawfulness of the Trans-Tasman Mutual Recognition (NSW Container Deposit Scheme) Notice 2017.

The committee notes that the explanatory notes tabled with the regulation comply with the requirements of the *Legislative Standards Act 1992*.

Recommendation

The committee recommends that the Legislative Assembly note this report.



Linus Power MP
Chair

Economics and Governance Committee

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⁴ Mutual Recognition (Queensland) (NSW Container Deposit Scheme) Amendment Regulation 2017 explanatory notes, pp 1-2.

⁵ Mutual Recognition (Queensland) (NSW Container Deposit Scheme) Amendment Regulation 2017 explanatory notes, pp 1-2.

⁶ Trans-Tasman Mutual Recognition (NSW Container Deposit Scheme) Notice 2017 explanatory notes, pp 1-2.

⁷ Trans-Tasman Mutual Recognition (NSW Container Deposit Scheme) Notice 2017 explanatory notes, p 2.

⁸ Trans-Tasman Mutual Recognition (NSW Container Deposit Scheme) Notice 2017 explanatory notes, p 2.