

Mutual Recognition (Australian Capital Territory) Regulation 2021

Subordinate law SL2021-13

made under the

Mutual Recognition Act 1992

EXPLANATORY STATEMENT

This explanatory statement relates to the Mutual Recognition (Australian Capital Territory) 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 *Mutual Recognition (Australian Capital Territory) Act 1992*, section 7.

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). This Act establishes the legal framework for the Territory to ban certain single use plastic items from being sold or supplied in the ACT and absorbs the existing plastic shopping bag ban to streamline plastic-related regulation in the ACT.

The *Plastic Reduction Act 2021* breaches the Commonwealth *Mutual Recognition Act 1992* (the Mutual Recognition Act), in that it imposes additional, jurisdiction specific requirements on the sale of goods across Australia. 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 jurisdictions. A permanent exemption comes from the Commonwealth Government 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 - Mutual Recognition (Australian Capital Territory) Regulation 2021

Clause 1 Name of regulation

This clause provides that the name of the regulation is the *Mutual Recognition (Australian Capital Territory) 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 — Act, s 7

This clause provides that the *Plastic Reduction Act 2021* and any related regulations and subordinate legislation, is exempt from the Commonwealth *Mutual Recognition Act 1992*.

Clause 5 Expiry

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