



New South Wales

Mutual Recognition (New South Wales) Temporary Exemptions Regulation 2016

under the

Mutual Recognition (New South Wales) Act 1992

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mutual Recognition (New South Wales) Act 1992*.

MIKE BAIRD, MP
Premier

Explanatory note

The object of this Regulation is to declare the provisions of the *Waste Avoidance and Resource Recovery Act 2001* and of the regulations made under that Act that relate to the container deposit scheme established by Part 5 of that Act to be exempt from the operation of the mutual recognition scheme for goods.

The mutual recognition scheme provides generally that goods produced in or imported into another jurisdiction of Australia, that may lawfully be sold in that jurisdiction, may be sold in New South Wales without the necessity for compliance with further requirements. The mutual recognition scheme includes the *Mutual Recognition Act 1992* of the Commonwealth and the *Mutual Recognition (New South Wales) Act 1992* of New South Wales.

The exemption provided by this Regulation is temporary (that is, it will operate for no longer than 12 months) and its effect is conditional on the exemption being substantially for the purpose of preventing, minimising or regulating environmental pollution in New South Wales.

This Regulation is made under section 6 of the *Mutual Recognition (New South Wales) Act 1992*.

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth and other States.

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1 Name of Regulation

This Regulation is the *Mutual Recognition (New South Wales) Temporary Exemptions Regulation 2016*.

2 Commencement

This Regulation commences on 17 November 2016 and is required to be published on the NSW legislation website.

3 Definitions

(1) In this Regulation:

the Act means the *Mutual Recognition (New South Wales) Act 1992*.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Temporary exemption relating to container deposit legislation

(1) In accordance with section 6 of the Act and for the purposes of section 15 of the Commonwealth Act, the following are declared to be laws to which section 15 of the Commonwealth Act applies:

- (a) Part 5 of the *Waste Avoidance and Resource Recovery Act 2001*,
- (b) all other provisions of that Act, to the extent that they relate to the container deposit scheme established by that Part,
- (c) regulations made under that Act, to the extent that they relate to that scheme.

(2) This clause operates only for the period of 12 months commencing at the beginning of the day on which this clause commences.