



New South Wales

# Trans-Tasman Mutual Recognition (New South Wales) Temporary Exemptions Regulation 2017

under the

Trans-Tasman Mutual Recognition (New South Wales) Act 1996

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Trans-Tasman Mutual Recognition (New South Wales) Act 1996*.

GLADYS BEREJIKLIAN, MP  
Premier

## Explanatory note

The object of this Regulation is to declare some 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 Trans-Tasman mutual recognition scheme for goods. Provisions of the Act and the regulations relating to that scheme that commenced before 17 November 2017 are the subject of an exemption under the *Trans-Tasman Mutual Recognition (New South Wales) Temporary Exemptions Regulation 2016*.

The mutual recognition scheme provides generally that goods produced in or imported into New Zealand, that may lawfully be sold in New Zealand, may be sold in New South Wales without the necessity for compliance with further requirements. The mutual recognition scheme includes the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth and the *Trans-Tasman Mutual Recognition (New South Wales) Act 1996* 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 5 of the *Trans-Tasman Mutual Recognition (New South Wales) Act 1996*.

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.

## Trans-Tasman Mutual Recognition (New South Wales) Temporary Exemptions Regulation 2017

under the

Trans-Tasman Mutual Recognition (New South Wales) Act 1996

### 1 Name of Regulation

This Regulation is the *Trans-Tasman Mutual Recognition (New South Wales) Temporary Exemptions Regulation 2017*.

### 2 Commencement

This Regulation commences on the day on which section 42 of the *Waste Avoidance and Resource Recovery Act 2001* (as inserted by the *Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Act 2016*) commences, and is required to be published on the NSW legislation website.

### 3 Definition

(1) In this Regulation:

*the Act* means the *Trans-Tasman Mutual Recognition (New South Wales) Act 1996*.

**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 5 of the Act and for the purposes of section 46 of the Commonwealth Act, the following are declared to be laws that are exempt from the operation of the Commonwealth Act:

(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 does not apply to any provision of the *Waste Avoidance and Resource Recovery Act 2001* or regulations made under that Act that commenced before 17 November 2017.

**Note.** See the *Trans-Tasman Mutual Recognition (New South Wales) Temporary Exemptions Regulation 2016* for a temporary exemption applying to provisions of the *Waste Avoidance and Resource Recovery Act 2001* and regulations under that Act that commenced before 17 November 2017.

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