

**2008**

**LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**WASTE MINIMISATION (CONTAINER RECOVERY)  
AMENDMENT BILL 2008**

**EXPLANATORY STATEMENT**

**Circulated by authority of  
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## **EXPLANATORY STATEMENT**

This explanatory statement relates to the Waste Minimisation (Container Recovery) Amendment Bill 2008 which was introduced into the ACT Legislative Assembly on May 7, 2008.

### **Overview**

The object of this Bill is to ensure that, if the targets for recycling of certain packaging established by the National Packaging Covenant (2005) are not met, a beverage container deposit scheme that provides for the payment of refunds on beverage containers will come into force.

The Bill establishes a scheme for beverage container recovery. The scheme places a refund value on an empty beverage container, which may be taken to a collection depot, and 10 cents per container may be paid out from a container deposit fund.

This Bill has also been introduced into NSW Parliament which provides the opportunity for cross-border coordination. Ideally, the Bill would be passed in both the ACT and NSW Parliaments at around the same time, but in the event that it were only passed in the ACT, the scheme would still be viable. It would only be when containers are brought into the ACT that this Bill would apply. Thus containers which are not (brought into the ACT by a manufacturer or importer and) bought in the ACT would not have the barcode to enable a refund, and this would include Queanbeyan. Citizens in Queanbeyan would need to continue to use their kerbside recycling system for empty beverage containers if the sister Bill were not passed in NSW.

### **Background**

In the early 1990s, the ACT Government committed to a target of No Waste by 2010. However, no new initiatives to achieve the target have been introduced since the plastic and paper kerbside collection scheme was established. As a result, the rate of collection stands at around 75% or so.

There is also an increasing litter problem, with plastic water and soft drink bottles making up a significant proportion of roadside and other litter.

This legislation provides an economic incentive to reducing waste and to pick up containers that litter public places.

## Summary of Clauses

**Sections 1 and 2** are formal clauses that deal with the title of the Bill and its commencement.

**Section 3** notes that this Bill amends the *Waste Minimisation Act 2001* which is the current Act relating to waste reduction in the ACT. It was always intended that this Act be amended as necessary to further implement strategies arising from the implementation of the No Waste by 2010 Strategy.

**Section 4** inserts a new Part 2A.

### **Part 2A                      Container Recovery**

#### **Division 2A.1              General**

**20A** inserts definitions for pt 2A relating to the proposed scheme.

#### **Division 2A.2              Introduction and application of container recovery scheme**

**20B** provides for the Minister to declare which materials beverage containers may be made with and included in the scheme. (eg. Glass, plastic)

**20C** ensures that containers manufactured before this Act and scheme commence are not included in the scheme.

**20D** establishes triggers for the commencement of this Bill/ Act. The key trigger is the 2008 Review required of the National Packaging Covenant and the targets within. Within three months of the Minister being given the Review, the Minister must consider whether the ACT is meeting these recycling benchmarks:

- For paper/ cardboard containers: 68.5% of post-consumer packaging is made from recycled containers;
- For glass containers: 46.25% is made from post-consumer glass;
- For steel containers: 56% is made from post-consumer steel;
- For aluminium containers: 68.5% is made from post-consumer aluminium;
- For plastic containers: 33.75% is post-consumer plastic

Or whether the ACT will reach these recycling targets by 2010:

- 70-80% of paper packaging
- 50-60% of glass
- 60-65% of steel
- 80-85% of aluminium
- 40-45% of plastic

If the Minister considers that the ACT is not meeting the current benchmarks, or will not meet the 2010 target, then the Minister must declare which materials this scheme may apply to.

**20E** sets a date, 1 October 2010, by which the Minister must make a declaration about whether the ACT, at 30 June 2010, is meeting its minimum 2010 targets for each of

the materials mentioned above. This declaration would trigger the application of this section from 1 January 2011.

### **Division 2A.3            Labelling containers**

**20F** stipulates what each label on each beverage container must contain.

**20G** sets out penalties for offences relating to the sale of beverage containers without the relevant label.

### **Division 2A.4            Collection depots**

**20H** establishes where the Minister may designate collection depots for the collection of empty beverage containers. It also provides for a regulation regarding the establishment, approval, design, operation and location of collection depots.

### **Division 2A.5            Contribution, refund and reimbursement**

**20I** relates to the 10 cent beverage container contribution. If a beverage container is manufactured or brought into the ACT, 10 cents per container must be paid into a fund by the manufacturer or importer within 14 days. (It is from this fund that deposits will be paid back to consumers.)

**20J** explains how the operator of a collection depot must accept the return of an unbroken beverage container and then pay the 10 cent refund to a person requesting it. This is a strict liability offence.

Note that if a person does not request the refund, there is no obligation for it to be paid.

**20K** outlines that the operator of a collection depot must give the scheme administrator a report detailing the number of containers collected each month, and the refund value paid out in relation to this number of containers. The form of the report will be prescribed by regulation.

**20L** stipulates that the scheme administrator must reimburse each collection depot after receiving a report for the refund value paid by each depot as well as any processing fee.

**20M** provides for the distribution and use of unredeemed deposits (that is, refunds that were not paid out), and allows for payment into a container deposit fund, which is outlined in section 20R.

### **Division 2A.6            Administration of scheme**

**20N** provides for the appointment of a scheme administrator to oversee the operation of this Part (Container recovery), make payments from the container deposit fund and report to the management committee.

**20O** establishes a container deposit management committee consisting of 4 appointed members, including from government, community and industry.

**20P** outlines the functions of the management committee, which are to advise the Minister and oversee the administration of the fund.

#### **Division 2A.7            Container deposit fund**

**20Q** establishes a container deposit fund.

**20R** outlines that the purpose of the fund is to provide funding:

- to create and support a market for collected containers and material derived from them;
- for financial support for kerbside recycling services;
- to offset the costs of collection depots;
- to develop ways of improving recyclability and reusability of beverage containers; and
- to support other activities and programs connected with recycling.

**20S** provides for payments into the fund.

**20T** provides for payments from the fund.

**20U** stipulates the administration of the fund.

**20V** allows for investment of the fund.

#### **Division 2A.8            Exemptions**

**20W** allows for a regulation to exempt beverage containers from the application of this part.

#### **Division 2A.9            Miscellaneous**

**20X** requires a person who imports or produces a beverage container to supply the management committee with details of any barcode affixed to the beverage container.

**20Y** requires the Minister to review the amount of the refund value at least once every 5 years.

**Section 5** inserts new definitions into the Dictionary.

**Section 6** omits the definition of *covenant*.

**Section 7** inserts new definitions into the Dictionary.