

2017

**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

WASTE MANAGEMENT AND RESOURCE RECOVERY AMENDMENT

BILL 2017

ADDITIONAL EXPLANATORY STATEMENT

**Presented by
Meegan Fitzharris MLA
Minister for Transport and City Services**

WASTE MANAGEMENT AND RESOURCE RECOVERY AMENDMENT BILL 2017

Overview

The purpose of the Waste Management and Resource Recovery Amendment Bill 2017 (the Bill) is to introduce a container deposit scheme in the Territory to ensure the beverage industry and consumers share responsibility to reduce litter and increase recycling of empty beverage containers.

This Supplementary Explanatory Statement addresses concerns raised by the Standing Committee on Justice and Community Safety's Scrutiny Report of 18 October 2017 about the potential impacts of the Bill on the right to privacy under section 12 of the *Human Rights Act 2004*.

Issue raised

Under proposed section 64Z of the Bill, a person may be required to furnish proof of identity and a refund declaration to a collection point operator if they are claiming refunds for a significant number of empty beverage containers.

The collection and storage of a person's identity and refund declaration information engages the right to privacy protected under section 12 of the *Human Rights Act 2004* so that a person has right to protection of personal information.

The requirement to provide proof of identity and a refund declaration is likely to be an infrequent occurrence, as the threshold number of containers to trigger this requirement will be set in Regulation, and is expected to be high, for example, more than 1000 containers.

This requirement is designed to guard against fraudulent claims for large refund amounts. Potential fraudulent claimants will be less likely to engage in fraud given the requirement to provide this information means they will be accountable and identifiable for any fraudulent activity. Such personal information will also assist the investigation of any alleged fraudulent refund claims.

Privacy protection

To ensure such personal information is collected, stored and, when appropriate, destroyed so as to protect the right to privacy, it will be handled by collection point operators in accordance with the Territory Privacy Principles in the *Information Privacy Act 2014*. To ensure this occurs, there is oversight from the Territory provided for in the Bill.

Territory oversight

The container deposit scheme will function so that collection point operators will be contracted by the Network Operator to provide container collection and refund services to persons wishing to claim 10 cent refunds for empty

beverage containers. Those contracts will be “Collection Point Arrangements” under proposed section 64O of the Bill.

The Territory’s waste manager, appointed under section 16 of the *Waste Management and Resource Recovery Act 2016*, administers the Act which the Bill proposes to amend. The waste manager is responsible under proposed section 64O of the Bill to approve these collection point arrangements.

It is intended a future Regulation under section 64O(2) will require the provision of information in any application for approval of collection point arrangements which confirms that the arrangements require the proposed collection point operator to adhere to the requirements of the *Information Privacy Act 2014*. This will be a pre-requisite for such an approval to be granted by the waste manager.

This oversight function by the Territory’s waste manager will ensure the protection of personal information by collection point operators accords with the requirements of the Territory Privacy Principles in the *Information Privacy Act 2014*.