

Waste Management and Resource Recovery (Processing Refund Protocol) Determination 2023

Disallowable instrument DI2023-95

made under the

Waste Management and Resource Recovery Act 2016, s 64L (Payment of refund amounts to material recovery facility operators)

EXPLANATORY STATEMENT

Outline

The Processing Refund Protocol is a document required under section 64L(2) of the *Waste Management and Resource Recovery Act 2016*.

The *Waste Management and Resource Recovery (Processing Refund Protocol) Determination 2022* (DI2022-266) commenced on 22 December 2022. Amendments to the Processing Refund Protocol were required due to an incident occurring at the Hume Material Recovery Facility (MRF) deeming the Hume MRF unable to process and claim material under the ACT Container Deposit Scheme (CDS) and does not have a prejudicial effect.

These changes have been made from the 2022 edition and are outlined in this statement. The review undertaken by the Waste Manager of the Processing Refund Protocol resulted in the following changes to the Protocol:

- Section 2 has been updated to reflect the commencement date of this version of the Processing Refund Protocol.
- Section 4.1 has been updated to reflect the MRF Operator's ability to claim a Processing Refund for containers that have been received and processed for recycling by an alternative MRF outside the ACT that has been approved by the Waste Manager.
- Section 6 definitions updated for a MRF and MRF Operator.
- Section 7.1 updated to reflect the MRF Operator will submit one claim per quarter for material being processed at an alternative approved MRF on behalf of the MRF Operator.

- Section 7.5 updated to reflect, measuring and reporting requirements of the MRF Operator of total materials received and dispatched.
- Section 7.6 amended to allow for facility based and kerbside sampling in order to establish an Eligible Container Factor.
- Section 7.8 updated from 10-calendar days to 28-calendar days to reflect relevant jurisdictions legislative timeframes in regard to submitting a Processing Refund claim for MRF's processing the MRF Operator's material in other jurisdictions .
- Section 7.10, (iv) and (v) amended to reflect the most relevant information that must be verified when submitting a Processing Refund claim.
- Section 8 updated to reflect the Scheme Coordinators auditing capabilities for assessing a Processing Refund claim submitted by the MRF Operator.
- Section 8.6 updated to reflect the 28-calendar day timeframe under relevant jurisdictions legislative timeframes.
- Section 8.6 amended to reflect justification examples the Scheme Coordinator deems reasonable to extend the timeframe for issuing a claim assessment beyond the specified timeframe.
- Section 9.2.1 updated to included kerbside Sampling as an option to established Eligible Container Factors.
- Section 10.3 updated to reflect that the MRF Operator, that intends to make a Processing Refund claim under the Processing Refund Protocol, must undertake an annual stocktake of all material at all approved MRF's on behalf of the MRF Operator.
- Section 15 updated to reflect timeframes that were amended through this document.

This explanatory statement has been prepared to assist the reader in interpreting the changes that have been made subsequent to the operations of the ACT CDS. It does not form part of the determination and has not been endorsed by the ACT Legislative Assembly.

Human rights

As a result of the review to this instrument, only changes relevant to the processing of material outside of the ACT have been made and do not have an impact on human rights.

This explanatory statement must be read in conjunction with the determination. It is not intended to be a comprehensive description of the determination. What is written about a provision is not to be taken as an authoritative statement of the meaning of a provision, this being a responsibility of the courts.