



Australian Capital Territory

Waste Management and Resource Recovery (Container Deposit Scheme) Amendment Regulation 2018 (No 1)

Subordinate Law SL2018-9

The Australian Capital Territory Executive makes the following regulation under the *Waste Management and Resource Recovery Act 2016*.

Dated 13 June 2018.

MEEGAN FITZHARRIS
Minister

GORDON RAMSAY
Minister



Australian Capital Territory

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[Waste Management and Resource Recovery Act 2016](#)

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1 Name of regulation

This regulation is the *Waste Management and Resource Recovery (Container Deposit Scheme) Amendment Regulation 2018 (No 1)*.

2 Commencement

This regulation commences on the commencement of the *Waste Management and Resource Recovery Amendment Act 2017*, section 10 (other than so far as it inserts section 64X).

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This regulation amends the *Waste Management and Resource Recovery Regulation 2017*.

4 New part 4A

insert

Part 4A Container deposit scheme**Division 4A.1 General****24A Meaning of *corresponding law*—Act, s 64B**

The following are corresponding laws:

- (a) for New South Wales—the *Waste Avoidance and Resource Recovery Act 2001* (NSW);
- (b) for the Northern Territory—the *Environment Protection (Beverage Containers and Plastic Bags) Act* (NT);

- (c) for Queensland—the *Waste Reduction and Recycling Act 2011* (Qld);
- (d) for South Australia—the *Environment Protection Act 1993* (SA).

24B Liquids that are not beverages—Act, s 64C, def *beverage*, par (b)

- (1) The following liquids are not beverages:
 - (a) milk (other than flavoured milk);
 - (b) cordial;
 - (c) concentrated fruit or vegetable juice (or a mixture of concentrated fruit and vegetable juices) intended to be diluted before consumption;
 - (d) registered health tonics.
- (2) In this section:
 - cordial* means concentrated syrup that—
 - (a) contains the following ingredients (whether or not it also contains other ingredients):
 - (i) water;
 - (ii) a natural or artificial sweetener;
 - (iii) colouring (whether natural or artificial);
 - (iv) flavouring; and
 - (b) is intended to be diluted before consumption.

flavoured milk means milk to which flavouring has been added.

flavouring means any natural or artificial flavouring but does not include sweetener.

milk includes—

- (a) any liquid milk product (including any substance in the nature of milk produced from milk concentrate or milk powder); and
- (b) any plant-based milk substitute.

registered health tonic means a liquid that—

- (a) is included in the Australian Register of Therapeutic Goods under the *Therapeutic Goods Act 1989* (Cwlth); and
- (b) is supplied with a label or other accompanying document stating—
 - (i) that the liquid is for medicinal purposes; and
 - (ii) a recommended maximum dosage.

24C What is not a container—Act, s 64E, def container, par (b)

- (1) The following are not containers:
 - (a) a container designed to contain less than 150ml of a beverage;
 - (b) a container designed to contain more than 3L of a beverage;
 - (c) a glass container designed to contain only wine or spirituous liquor;
 - (d) a container designed to contain 1L or more of—
 - (i) flavoured milk; or
 - (ii) a beverage comprising at least 90% fruit or vegetable juice (or a mixture of fruit and vegetable juices);
 - (e) a container designed to contain 1L or more of wine, wine-based beverage or water made of—
 - (i) cardboard and plastic; or
 - (ii) cardboard and foil; or

- (iii) cardboard, plastic and foil (commonly known as a cask or aseptic pack);
 - (f) a container made of plastic or foil, or both (commonly known as a sachet) designed to contain 250ml or more of wine.
- (2) In this section:

glass container means a container made wholly or partly of glass.

spirituous liquor—a beverage is **spirituous liquor** if the beverage—

- (a) is a liqueur, or other alcoholic beverage produced by distillation, or a mixture of both; and
- (b) is not mixed with any beverage other than a liqueur or an alcoholic beverage produced by distillation.

wine—a beverage is **wine** if the beverage—

- (a) is produced by fermentation of grapes (whether or not mixed with any other grape product); and
- (b) is not mixed with any beverage other than a grape product.

wine-based beverage means a beverage that—

- (a) contains a mixture of wine and another beverage that is not a grape product; and
- (b) has an alcohol by volume content of less than 10%.

24D Refund amount—Act, s 64F

The refund amount is 10 cents.

24E Refund marking—Act, s 64G

- (1) The refund marking is the deposit statement marked or labelled on the container in legible characters.
- (2) In this section:

deposit statement means the following statement:

‘10c refund at collection depots/points in participating State/Territory of purchase’.

24F Suitability requirements—Act, s 64H (5)

- (1) In deciding whether a person is a suitable person to be a scheme coordinator or network operator, the Minister must consider the following:
 - (a) whether the person has been convicted, or found guilty, of an offence against a relevant law;
 - (b) whether the person has contravened a provision of a scheme administration agreement under the Act or a corresponding law of a State;
 - (c) if the applicant is a corporation—whether a director of the corporation is or has been a director of another corporation that has contravened a provision of—
 - (i) a relevant law; or
 - (ii) a scheme administration agreement under the Act or a corresponding law of a State;
 - (d) whether the person has been convicted, or found guilty, in the last 5 years, whether in the ACT or elsewhere, of an offence involving fraud or dishonesty;

- (e) whether the person is, or at any time in the last 3 years has been, bankrupt or personally insolvent;

Note **Bankrupt or personally insolvent**—see the [Legislation Act](#), dictionary, pt 1.

- (f) if the applicant is an individual—whether the person has, at any time in the last 3 years, been involved in the management of a corporation when—

- (i) the corporation became the subject of a winding-up order; or
- (ii) a controller or administrator was appointed;

- (g) if the applicant is a corporation—whether the corporation—

- (i) is the subject of a winding-up order; or
- (ii) has had a controller or administrator appointed at any time in the last 3 years;

- (h) whether, in the opinion of the Minister, the person has the knowledge, skills and experience required to fulfil the person’s obligations as a scheme coordinator or network operator;

- (i) whether the person can demonstrate the financial capacity to comply with the person’s obligations under the proposed agreement;

- (j) whether the person is in a partnership, in relation to activities that are subject to a scheme administration agreement or proposed agreement, with a person the Minister decides is not a suitable person to be a scheme coordinator or network operator.

- (2) If the applicant is a corporation, a reference in subsection (1) (a) or (h) to a person includes a reference to a director of the corporation.

(3) In this section:

relevant law means—

- (a) the [Act](#); and
- (b) the [Environment Protection Act 1997](#); and
- (c) the [Litter Act 2004](#).

24G Contents of scheme arrangements under scheme coordinator agreement—Act, s 64J (4) (b)

A network arrangement must include the following:

- (a) the name, address and contact details of each party to the agreement;
- (b) the following information about the collection points proposed to be operated by the network operator:
 - (i) the address of the proposed collection point;
 - (ii) the proposed operating hours for the collection point;
Note Collection points are required to be open during certain hours (see s 24P (d)).
 - (iii) information relating to any approval required under the [Planning and Development Act 2007](#) and whether the approval is held or has been applied for;
- (c) either—
 - (i) details of the waste facility licence for the collection point held by the network operator; or
 - (ii) if the network operator has applied for a waste facility licence and the application has not been refused but not yet approved—a statement to that effect;

- (d) a requirement that parties to the arrangement must comply with the Territory privacy principles.

Division 4A.2 Network arrangements—Act, s 64K (2)

24H Application for approval of network arrangements

An application for approval of a network arrangement must be accompanied by a copy of the arrangement signed by both parties.

24I Waste manager may request further information

- (1) The waste manager may, by written notice, require the applicant for approval of a network arrangement to give the waste manager more information—
 - (a) that the waste manager believes on reasonable grounds is needed to decide the application; and
 - (b) within a stated time; and
 - (c) at a stated place.
- (2) If the applicant does not comply with a requirement in the notice, the waste manager may refuse to consider the application further.

24J Change of information must be provided

- (1) This section applies if the information in an application for approval of a network arrangement changes before the application is decided.
- (2) The applicant must give the waste manager written notice of the particulars of the change.

24K Decision about application for approval

- (1) The waste manager must, within the required time after the waste manager receives an application for approval of a network arrangement—

- (a) approve the arrangement; or
- (b) refuse to approve the arrangement.

Note 1 Failure to approve an arrangement within the required time is taken to be a decision not to approve the arrangement (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

Note 2 A decision under s (1) (b) is a reviewable decision (see s 26A).

- (2) In deciding whether to approve a network arrangement, the waste manager may consider—

- (a) whether the arrangement complies with the requirements of the Act; and
- (b) whether the agreement requires the parties to the arrangement to comply with the Territory privacy principles; and
- (c) for a collection point operated by the network operator under the arrangement—information relating to any approval required under the *Planning and Development Act 2007* and whether the approval is held or has been applied for.

- (3) The waste manager may approve a network arrangement subject to conditions.

Note A decision under s (3) is a reviewable decision (see s 26A).

- (4) An approval of a network arrangement must—

- (a) be in writing; and
- (b) include the following:
 - (i) the names of the parties to the arrangement;

- (ii) the date the approval expires;
 - (iii) the conditions (if any) of the approval.
- (5) If the waste manager refuses to approve a network arrangement, the waste manager must refund any fee paid in relation to the application.
- (6) In this section:
required time means—
 - (a) if the waste manager requires the applicant to give further information under section 24I—56 days after the day the applicant gives the information to the waste manager; or
 - (b) in any other case—56 days after the day the waste manager receives the application.

24L Amendment of network arrangement approval

- (1) The waste manager may, by written notice, amend the approval of a network operator arrangement by—
 - (a) amending a condition imposed by the waste manager under section 24K (3); or
 - (b) imposing a further condition on the approval.

Note A decision under s (1) is a reviewable decision (see s 26A).
- (2) The waste manager must give the notice to each party to the network arrangement.
- (3) An amendment takes effect on—
 - (a) the day the notice is given; or
 - (b) if a later day is stated in the notice—the later day.

24M Suspension or revocation of network arrangement approval

- (1) The waste manager may suspend or revoke the approval of a network arrangement if—
 - (a) a party to the arrangement contravenes a condition of the approval; or
 - (b) a party to the arrangement contravenes a provision of the [Act](#), part 10A (Container deposit scheme); or
 - (c) the network arrangement has expired or been terminated and the waste manager is satisfied there is no unresolved dispute between the parties to the arrangement in relation to the expiry or termination.
- (2) The waste manager must give the parties to the arrangement written notice (a *show cause notice*) of an intention to suspend or revoke the approval of the network arrangement, stating—
 - (a) the ground for suspension or revocation; and
 - (b) that the approval holder may, within 14 days after the day the holder is given the notice, give a written submission to the waste manager about the proposed suspension or revocation.
- (3) The waste manager must consider any submission received by the waste manager in response to the show cause notice when making a decision to suspend or revoke the approval of the network arrangement.
- (4) The waste manager may suspend or revoke the approval of the network arrangement if the waste manager—
 - (a) has given a show cause notice to the approval holder; and
 - (b) has considered any reasons given by the approval holder in response to the show cause notice; and

(c) is satisfied that the ground for suspension or revocation exists.

Note A decision under s (4) is a reviewable decision (see s 26A).

- (5) The suspension or revocation takes effect—
- (a) on the day the waste manager gives the approval holder written notice that the approval of the network arrangement is suspended or revoked; or
 - (b) if a later day is stated in the notice of suspension or revocation—the later day.

Division 4A.3 Network operator agreements—Act, s 64N (4)

24N Definitions—div 4A.3

In this division:

bulk delivery, of containers, means a delivery of 1 500 or more containers.

catchment area means an industrial catchment area or a residential catchment area.

commencement day means the day on which this section commences.

district means a district under the *Districts Act 2002*, section 5.

Note The districts set out in the *Districts Act 1966* (repealed), sch are taken to be districts created under the *Districts Act 2002*, s 5.

division means a division under the *Districts Act 2002*, section 6.

industrial catchment area means—

- (a) the division of Fyshwick in the Canberra Central district and the division of Hume in the Tuggeranong district; or
- (b) the division of Mitchell in the Gungahlin district.

residential catchment area means—

- (a) the Belconnen district; or
- (b) the division of Oaks Estate and the Canberra Central district (excluding the division of Fyshwick); or
- (c) the division of Hall and the Gungahlin district (excluding the division of Mitchell); or
- (d) the Molonglo Valley district, Weston Creek district and Woden Valley district; or
- (e) the division of Tharwa and the Tuggeranong district (excluding the division of Hume).

**24O Network operator agreements—performance targets—
Act, s 64N (4) (a)**

A network operator agreement must—

- (a) include performance targets; and
- (b) state the period the performance targets apply for; and
- (c) state a way to determine whether the performance targets have been met.

**24P Network operator agreements—content of collection
point arrangements under agreement—Act, s 64N (4) (b)**

A collection point arrangement must—

- (a) comply with the Territory privacy principles; and
- (b) ensure that—
 - (i) collection points are established in locations in catchment areas that ensure a reasonable travel time to the nearest collection point from anywhere else in the ACT; and

- (ii) each collection point is accessible by public transport; and
 - (iii) each collection point complies with any requirements in a code in the [territory plan](#) that relates to access or mobility for people with disabilities; and
- (c) ensure that—
 - (i) each collection point within an industrial catchment area is capable of accepting at least 2 bulk deliveries of containers on each day it operates; and
 - (ii) each collection point within a residential catchment area is capable of accepting containers from, and providing refunds to, the residents of the catchment area, or an equivalent number of people, within a reasonable time; and
- (d) require each collection point to be open—
 - (i) on a weekday, other than a public holiday—for at least 7 hours between 7am and 7pm; and
 - (ii) on a Saturday and Sunday, other than on a public holiday—for at least 6 hours on each day between 8am and 5pm; and
 - (iii) on a public holiday, other than Good Friday or Christmas day—for at least 5 hours between 9am and 5pm; and
- (e) require—
 - (i) on the commencement day—at least 2 operational collection points in separate catchment areas; and
 - (ii) 3 months after the commencement day—at least 6 operational collection points in separate catchment areas; and

- (iii) 6 months after the commencement day—at least 10 operational collection points including 1 or 2 collection points in each catchment area.

Division 4A.4 Collection point arrangements—Act, s 64O (2)

24Q Application for approval of collection point arrangements

An application for approval of a collection point arrangement must be accompanied by—

- (a) a copy of the collection point arrangement that includes—
 - (i) the names, addresses and contact details of the applicant and the collection point operator; and
 - (ii) information about whether the collection point operator is an ACNC registered entity; and
 - (iii) the following information about each collection point:
 - (A) the address of the collection point;
 - (B) the operating hours for the collection point;
- Note* The minimum operating hours for collection points are set out in s 24P (d).
- (C) information relating to any approval required under the *Planning and Development Act 2007* and whether the approval is held or has been applied for;
 - (D) information about whether employment opportunities will be available at the collection point for people with disabilities; and

- (b) either—
 - (i) details of the waste facility licence for the collection point held by the collection point operator; or
 - (ii) if the collection point operator has applied for a waste facility licence and the application has not been refused but not yet approved—a statement to that effect.

24R Waste manager may request further information

- (1) The waste manager may, by written notice, require that the applicant for approval of a collection point arrangement gives the waste manager more information—
 - (a) that the waste manager believes on reasonable grounds is needed to decide the application; and
 - (b) within a stated time; and
 - (c) at a stated place.
- (2) If the applicant does not comply with a requirement in the notice, the waste manager may refuse to consider the application further.

24S Change of information must be provided

- (1) This section applies if the information in an application for approval of a collection point arrangement changes before the application is decided.
- (2) The applicant must give the waste manager written notice of the particulars of the change.

24T Decision about application for approval

- (1) The waste manager must, within the required time after the waste manager receives an application for approval of a collection point arrangement—
- (a) approve the arrangement; or
 - (b) refuse to approve the arrangement.

Note 1 Failure to approve an arrangement within the required time is taken to be a decision not to approve the arrangement (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

Note 2 A decision under s (1) (b) is a reviewable decision (see s 26A).

- (2) In deciding whether to approve a collection point arrangement, the waste manager may consider the following:
- (a) whether the arrangement complies with the requirements of the Act;
 - (b) whether the arrangement requires each party to the arrangement to comply with the Territory privacy principles;
 - (c) whether any necessary development approval under the *Planning and Development Act 2007* has been, or is likely to be, obtained in relation to the activities authorised or required under the arrangement;
 - (d) whether the collection points under the arrangement will offer employment opportunities for people with disabilities.

- (3) The waste manager may approve a collection point arrangement subject to conditions.

Note A decision under s (3) is a reviewable decision (see s 26A).

- (4) An approval of a collection point arrangement must—
- (a) be in writing; and

- (b) include the following:
 - (i) the names of the parties to the arrangement;
 - (ii) the date the approval expires;
 - (iii) the conditions (if any) of the approval.
- (5) If the waste manager refuses to approve a collection point arrangement, the waste manager must refund any fee paid in relation to the application.
- (6) In this section:

required time means—

 - (a) if the waste manager requires the applicant to give further information under section 24R—56 days after the day the applicant gives the information to the waste manager; or
 - (b) in any other case—56 days after the day the waste manager receives the application.

24U Amendment of collection point arrangement approval

- (1) The waste manager may, by written notice, amend the approval of a collection point arrangement by—
 - (a) amending a condition imposed by the waste manager under section 24T (3); or
 - (b) imposing a condition on the approval.

Note A decision under s (1) is a reviewable decision (see s 26A).
- (2) The waste manager must give the notice to each party to the collection point arrangement.
- (3) An amendment takes effect on—
 - (a) the day the notice is given; or
 - (b) if a later day is stated in the notice—the later day.

24V Suspension or revocation of collection point arrangement approval

- (1) The waste manager may suspend or revoke the approval of a collection point arrangement if—
 - (a) the approval holder contravenes a condition of the approval; or
 - (b) the approval holder contravenes a provision of the [Act](#), part 10A (Container deposit scheme); or
 - (c) the approval holder—
 - (i) is given written notice of an approval fee; and
 - (ii) fails to pay the approval fee by the date stated in the notice; or
 - (d) the collection point arrangement has expired or been terminated and the waste manager is satisfied there is no unresolved dispute between the parties to the arrangement in relation to the expiry or termination.
- (2) The waste manager must give the approval holder written notice (a ***show cause notice***) of an intention to suspend or revoke the approval of the collection point arrangement, stating—
 - (a) the ground for suspension or revocation; and
 - (b) that the approval holder may, within 14 days after the day the holder is given the notice, give a written submission to the waste manager about the proposed suspension or revocation.
- (3) The waste manager must consider any submission received by the waste manager in response to the show cause notice when making a decision to suspend or revoke the approval of the collection point arrangement.

- (4) The waste manager may suspend or revoke the approval of the collection point arrangement if the waste manager—
- (a) has given a show cause notice to the approval holder; and
 - (b) has considered any reasons given by the approval holder in response to the show cause notice; and
 - (c) is satisfied the ground for suspension or revocation exists.

Note A decision under s (4) is a reviewable decision (see s 26A).

- (5) The suspension or revocation takes effect—
- (a) on the day the waste manager gives the approval holder written notice that the approval of the collection point arrangement is suspended or revoked; or
 - (b) if a later day is stated in the notice of suspension or revocation—the later day.

Division 4A.5 Scheme compliance

24W Disposal of containers—Act, s 64L (6) (a) and (b)

- (1) A material recovery facility operator commits an offence if—
- (a) the operator claims a processing refund for a container; and
 - (b) the container is disposed of to landfill.
- Maximum penalty: 15 penalty units.
- (2) An offence against subsection (1) is a strict liability offence.
- (3) A material recovery facility operator commits an offence if the operator—
- (a) negligently lets a container be disposed of to landfill; and
 - (b) claims a processing refund for the container.

Maximum penalty: 30 penalty units.

-
- (4) A material recovery facility operator commits an offence if the operator—
- (a) knows a container is disposed of to landfill; and
 - (b) claims a processing refund for the container.

Maximum penalty: 40 penalty units.

- (5) This section does not apply to the disposal of a part of a container if—
- (a) the container is consigned for transport to a recycling facility that recycles containers of that kind; and
 - (b) the part of the container is not capable of being recycled at the facility.
- (6) In this section:

processing refund—see the [Act](#), section 64L (1).

recycling facility means premises, in or outside the ACT, where the processing of containers for reuse or recycling is lawfully carried out.

24X Prescribed information on register—Act, s 64T (4)

If the register is kept electronically, the register must include information about whether each collection point is—

- (a) currently available to accept containers; or
- (b) currently unavailable to accept containers.

24Y Reports by scheme coordinator—Act, s 64U (1) (c)

The following matters are prescribed:

- (a) the number of containers for which refund amounts have been paid by collection point operators at collection points during the reporting period;

- (b) the number of containers for which refund amounts have been paid by the scheme coordinator to a material recovery facility operator during the reporting period;
- (c) the number and location of collection points for which the network operator has collection point arrangements in force at any time during the reporting period;
- (d) the number of suppliers in relation to whom a supply arrangement has been in force at any time during the reporting period and the total number of containers that have been supplied during that period by those suppliers;
- (e) the amounts paid to the network operator under a network arrangement during the reporting period;
- (f) the total operating costs of the scheme coordinator for the reporting period;
- (g) the arrangements made by the scheme coordinator during the reporting period for the protection of the confidentiality of commercial information provided to the scheme coordinator by suppliers;
- (h) the arrangements made by the scheme coordinator during the reporting period for governance and risk management;
- (i) the arrangements made by the scheme coordinator during the reporting period for minimising the risk of false claims for the payment of refund amounts;
- (j) all incidents of false claims for the payment of refund amounts identified by the scheme coordinator during the reporting period;

- (k) all incidents resulting in serious personal injury or property or environmental damage occurring in the course of the collection, handling or transportation of containers in connection with the operation of the scheme identified by the scheme coordinator during the reporting period;
- (l) the reasons for any failure of the scheme coordinator to meet a performance target during the reporting period, and strategies for rectifying the failure;
- (m) the trends in the kinds of beverage containers supplied in the ACT;
- (n) the rate of collection and recycling of containers in the ACT.

Division 4A.6 Acceptance of containers at collection points

24Z Circumstances when refund amount not payable by collection point operator—Act, s 64Y (2) (c)

The Act, section 64Y (1) does not apply if—

- (a) the container is—
 - (i) contaminated with a substance that makes the container—
 - (A) unsuitable for reuse or recycling; or
 - (B) a serious risk to health or safety of people at the collection point or a serious risk to the proper operation of the collection point; or
 - (ii) damaged in a way that prevents—
 - (A) the refund marking from being read; or
 - (B) the collection point operator being able to confirm the container is a container; or

- (b) the person asks the collection point operator to donate the refund amount to an ACNC registered entity operating in the ACT that is nominated by the operator and the operator makes the donation to the ACNC registered entity within 2 working days after the day the operator accepts the container; or
- (c) the collection point operator gives the person a written notice of the refund amount and—
 - (i) the collection point arrangement for the collection point provides that the network operator will pay the refund amount to the person within 2 working days after the day the collection point operator accepts the container; and
 - (ii) the network operator pays the refund amount to the person within the 2 working days.

Note The defendant has an evidential burden in relation to the matters mentioned in this section (see [Criminal Code](#), s 58).

24ZA Refund amounts paid by collection point operators—Act, s 64Y (3)

A collection point operator must pay the refund amount for a container within 2 working days after the operator accepts the container at a collection point.

24ZB Declaration of number of containers—Act, s 64Z (3) (a)

The number of containers is—

- (a) for containers presented to the collection point operator up to 30 June 2019—500 in 1 presentation; and
- (b) for containers presented to the collection point operator after 30 June 2019—
 - (i) 1 500 in 1 presentation; or
 - (ii) 3 000 in 1 or more presentations within a 48-hour period.

24ZC Records to be kept—Act, s 64Z (4)

The following records are prescribed:

- (a) a copy of a proof of identity document of a person presenting a container at a collection point;
- (b) the number of containers presented for which refund amounts have been paid by the collection point operator;
- (c) the number of claims for refund amounts that have been made to the collection point;
- (d) the number of refund declarations requested by and provided to the collection point operator at a collection point;
- (e) a copy of each refund declaration made at a collection point.

24ZD Refund declaration—Act, s 64Z (7)

The following information is prescribed:

- (a) the name of the person presenting a container to the collection point operator (the *claimant*);
- (b) the claimant's residential address;
- (c) the number of containers for which a refund amount is claimed by the claimant;
- (d) the date and time the refund claim is made by the claimant;
- (e) a declaration signed by the claimant that, for each presented container—
 - (i) the claimant has lawfully acquired ownership of the container; and
 - (ii) the container was acquired in the ACT or in a State in which a corresponding law is in force; and

- (iii) the claimant is not aware of any refund amount being previously paid for the container.

5 New part 5A

insert

Part 5A Notification and review of decisions

26A Meaning of *reviewable decision*—pt 5A

In this part:

reviewable decision means a decision mentioned in schedule 2, column 3 under a provision of this regulation mentioned in column 2 in relation to the decision.

26B Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 2, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

26C Applications for review

The following may apply to the ACAT for a review of a reviewable decision:

- (a) an entity mentioned in schedule 2, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

6 New schedule 2

insert

Schedule 2 Reviewable decisions

(see pt 5A)

| column 1 item | column 2 section | column 3 decision | column 4 entity |
|------------------|---------------------|--|-------------------------|
| 1 | 24K (1) (b) | refuse to approve network arrangement | applicant |
| 2 | 24K (3) | approve network arrangement subject to conditions | entity holding approval |
| 3 | 24L (1) | amend network arrangement approval | entity holding approval |
| 4 | 24M (4) | suspend or revoke network arrangement approval | entity holding approval |
| 5 | 24T (1) (b) | refuse to approve collection point arrangement | applicant |
| 6 | 24T (3) | approve collection point arrangement subject to conditions | entity holding approval |
| 7 | 24U (1) | amend collection point arrangement approval | entity holding approval |
| 8 | 24V (4) | suspend or revoke collection point arrangement approval | entity holding approval |

7 Dictionary, note 2

insert

- ACT
- expire
- financial year
- may (see s 146)
- must (see s 146)
- [territory plan](#)

8 Dictionary, note 3

insert

- beverage (see s 64C)
- collection point (see s 64D)
- collection point arrangement (see s 64N (1))
- collection point operator (see s 64B)
- container (see s 64E)
- corresponding law (see s 64B)
- material recovery facility operator (see s 64B)
- network operator (see s 64B)
- refund amount (see s 64F)
- scheme administration agreement (s 64H (1))
- scheme coordinator (see s 64B)
- scheme coordinator agreement (see s 64B)
- waste manager

9 Dictionary, new definitions

insert

ACNC registered entity—see the [Charitable Collections Act 2003](#), dictionary.

bulk delivery, of containers, for division 4A.3 (Network operator agreements—Act, s 64N (4))—see section 24N.

catchment area, for division 4A.3 (Network operator agreements—Act, s 64N (4))—see section 24N.

commencement day, for division 4A.3 (Network operator agreements—Act, s 64N (4))—see section 24N.

district, for division 4A.3 (Network operator agreements—Act, s 64N (4))—see section 24N.

division, for division 4A.3 (Network operator agreements—Act, s 64N (4))—see section 24N.

industrial catchment area, for division 4A.3 (Network operator agreements—Act, s 64N (4))—see section 24N.

residential catchment area, for division 4A.3 (Network operator agreements—Act, s 64N (4))—see section 24N.

reviewable decision, for part 5A (Notification and review of decisions)—see section 26A.

Territory privacy principles—see the [Information Privacy Act 2014](#), section 13.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 18 June 2018.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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