



Australian Capital Territory

Waste Management and Resource Recovery Amendment Act 2017

A2017-36

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Australian Capital Territory

Waste Management and Resource Recovery Amendment Act 2017

A2017-36

An Act to amend the *Waste Management and Resource Recovery Act 2016*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Waste Management and Resource Recovery Amendment Act 2017*.

2 Commencement

- (1) This Act commences on a day fixed by the Minister by written notice.

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

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

- (2) If this Act has not commenced within 12 months beginning on its notification day, it automatically commences on the first day after that period.
- (3) The [Legislation Act](#), section 79 (Automatic commencement of postponed law) does not apply to this Act.

3 Legislation amended

This Act amends the *Waste Management and Resource Recovery Act 2016*.

**4 Meaning of *waste management business*
Section 12, definition of *waste management business*,
paragraph (a)**

omit

dominant

**5 Decision about application for licence
Section 22 (2)**

omit

, before the waste manager approves a licence

**6 Term of licence
Section 29 (b) (iii)**

substitute

(iii) if the licensee fails to pay the fee for the licence by the day (the *payment day*) the fee for the licence next becomes payable—the day after the payment day;

(iv) the day stated in the licence.

**7 Decision about application for registration
Section 34 (1) (a)**

omit

subject to a condition prescribed by regulation

8 New section 34A

insert

34A Registration conditions

A waste transporter registration is subject to—

(a) a condition that the registered waste transporter must comply with this Act; and

- (b) any other condition the waste manager imposes on the registration when the application is approved.

Examples—par (b)

- 1 limiting the kind and quantity of waste to be transported
- 2 requiring a kind of waste to be transported in a particular way

Note 1 A decision under this section is a reviewable decision (see s 120).

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

Note 3 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

9 Term of registration

Section 42 (b) (iii)

substitute

- (iii) if the waste transporter fails to pay the fee for the registration by the day (the *payment day*) the fee for the registration next becomes payable—the day after the payment day;
- (iv) the day stated in the registration.

10 New part 10A*insert***Part 10A Container deposit scheme****Division 10A.1 General****64A Objects—pt 10A**

The objects of this part are to—

- (a) establish a cost effective container deposit scheme to assist the beverage industry in reducing and dealing with waste generated by beverage product packaging; and
- (b) promote the recovery, reuse and recycling of empty beverage containers.

64B Definitions—pt 10A

In this part:

beverage—see section 64C.

collection point—see section 64D.

collection point arrangement—see section 64N (1).

collection point operator, for a collection point, means—

- (a) if a collection point arrangement is in force for the collection point—the person who holds a waste facility licence and has entered into the collection point arrangement with a network operator for the collection point; or
- (b) if a collection point arrangement is not in force for the collection point—the network operator who administers and operates the collection point.

container—see section 64E.

container approval means an approval in force under—

- (a) section 64V; or
- (b) a corresponding law of a State.

corresponding law, of a State, means a law of the State that is prescribed by regulation for this part.

material recovery facility operator means a waste management business that—

- (a) processes waste collected as part of a waste collection service; and
- (b) holds a waste facility licence allowing the processing of waste (otherwise than by thermal treatment) at a waste facility.

network arrangement—see section 64J (1) (b).

network operator means a person with whom the Minister enters into a network operator agreement.

network operator agreement means a scheme administration agreement under section 64H (2) (b).

refund amount—see section 64F.

refund marking—see section 64G.

scheme means the container deposit scheme established under this part.

scheme administration agreement—see section 64H (1).

scheme arrangement means—

- (a) a supply arrangement; or
- (b) a network arrangement; or

(c) a collection point arrangement.

scheme coordinator means the person with whom the Minister enters into the scheme coordinator agreement.

scheme coordinator agreement means the scheme administration agreement under section 64H (2) (a).

scheme participant means—

- (a) the scheme coordinator; or
- (b) a network operator; or
- (c) a supplier who has entered into a supply arrangement with the scheme coordinator; or
- (d) a collection point operator.

supplier—

- (a) means an entity that—
 - (i) manufactures a container; or
 - (ii) imports a container from a State or another country; and
- (b) carries on a business that is, or includes, the supply of a beverage in the container; but
- (c) does not include a person prescribed by regulation not to be a supplier.

supply means provide, by way of sale or otherwise, in the course of carrying on a business.

supply arrangement—see section 64J (1) (a).

64C **Meaning of *beverage*—pt 10A**

In this part:

beverage means—

- (a) a liquid intended for human consumption by drinking; but
- (b) does not include a liquid prescribed by regulation not to be a beverage.

64D **Meaning of *collection point*—pt 10A**

In this part:

collection point—

- (a) means a waste facility used for the collection and handling of containers delivered to the facility for payment of a refund amount; but
- (b) does not include a reverse vending machine.

64E **Meaning of *container*—pt 10A**

In this part:

container—

- (a) means—
 - (i) a sealable vessel or receptacle designed to contain a beverage for transport or storage before the beverage is sold or delivered for consumption; or
 - (ii) anything else prescribed by regulation to be a container; but
- (b) does not include anything prescribed by regulation not to be a container.

64F Meaning of *refund amount*—pt 10A

In this part:

refund amount means an amount prescribed by regulation as the refund amount.

64G Meaning of *refund marking*—pt 10A

In this part:

refund marking means a marking or labelling, about a refund amount for a container, prescribed by regulation.

Division 10A.2 Scheme administration

64H Scheme administration agreements

- (1) The Minister may enter into a written agreement (a *scheme administration agreement*) with a person in relation to the management and administration of the scheme.
- (2) A scheme administration agreement may be—
 - (a) the scheme coordinator agreement; or
 - (b) a network operator agreement.
- (3) The Minister may invite applications for a scheme administration agreement in any way the Minister considers appropriate.

Note A fee may be determined under s 126 for an application.

- (4) The Minister may enter into a scheme administration agreement only if satisfied that the applicant—
 - (a) is likely to comply with the requirements of this Act; and
 - (b) for the scheme coordinator agreement—is a suitable person to be the scheme coordinator; and

- (c) for a network operator agreement—is a suitable person to be a network operator.
- (5) A regulation may prescribe suitability requirements for a person to be—
 - (a) the scheme coordinator; or
 - (b) a network operator.
- (6) Subsection (5) does not limit the matters the Minister may consider in deciding a person’s suitability under subsection (4) (b) or (c).

64I Amending and ending scheme administration agreements

- (1) A scheme administration agreement may be amended or ended by agreement, in writing, between the Minister and the scheme participant.
- (2) The Minister may, by written notice given to the scheme participant, amend or end a scheme administration agreement without the consent of the scheme participant—
 - (a) if satisfied that the scheme participant has failed to meet a performance target under the agreement; or
 - (b) in any other circumstance allowed by the agreement.
- (3) Without limiting subsection (2), the Minister may, without the consent of the scheme participant, amend a scheme administration agreement to include in the agreement a performance target or other matter required by this part or prescribed by regulation to be included in the agreement.
- (4) The scheme participant is not entitled to any compensation as a result of the amendment or end of a scheme administration agreement under subsection (2) (a) or (3).

- (5) A provision of a scheme administration agreement is void to the extent to which it purports to exclude, limit or modify the operation of this section.
- (6) A regulation may make further provision for amending or ending a scheme administration agreement.
- (7) In this section:

scheme participant, for a scheme administration agreement, means the scheme coordinator or a network operator who is a party to the agreement.

Division 10A.3 Scheme coordinator agreement

64J Content of scheme coordinator agreement

- (1) The scheme coordinator agreement must include provisions requiring the scheme coordinator to enter into and give effect to the following:
 - (a) an arrangement with a supplier (a *supply arrangement*) requiring the supplier to pay to the scheme coordinator contributions towards the cost of the management, administration and operation of the scheme;
 - (b) an arrangement with a network operator (a *network arrangement*) in relation to the establishment, administration and operation of collection points requiring the scheme coordinator to pay to the operator refund amounts and associated administration and handling costs for containers that are collected at the collection points (and for which a collection point operator is required to pay a refund amount under section 64Y).

- (2) The scheme coordinator agreement must include any other provision the Minister considers necessary to ensure—
 - (a) each scheme arrangement required under the agreement sets out a methodology for determining the amounts payable under the arrangement; and
 - (b) the scheme coordinator does not act unfairly, or unreasonably discriminate, against or in favour of a scheme participant in negotiating, entering into, performing obligations under or enforcing a scheme arrangement.
- (3) The scheme coordinator agreement may provide for any other matter the Minister considers appropriate for the management, administration or operation of the scheme.
- (4) A regulation may make provision in relation to—
 - (a) performance targets (including by reference to any stated network of collection points or area of operation) and any other matter to be included in the scheme coordinator agreement; and
 - (b) the content of scheme arrangements under the scheme coordinator agreement.
- (5) The scheme coordinator agreement may contain provisions relating to the exercise by the scheme coordinator of similar functions under the law of a State relating to container deposit schemes.
- (6) Nothing in this section or any other provision of this division (except section 64M (Term of scheme coordinator agreement)) limits the matters for which the scheme coordinator agreement may provide.

64K Approval of network arrangements

- (1) The scheme coordinator agreement must require the scheme coordinator, before entering into a network arrangement, to apply to the waste manager for approval of the arrangement.

Note 1 If a form is approved under s 127 for this provision, the form must be used.

Note 2 A fee may be determined under s 126 for this provision.

- (2) A regulation may make provision in relation to the following:
 - (a) an application for approval of a network arrangement;
 - (b) the approval, amendment or revocation of an approval of a network arrangement.

64L Payment of refund amounts to material recovery facility operators

- (1) The scheme coordinator agreement may require the scheme coordinator to pay a material recovery facility operator a refund amount (a *processing refund*) for containers collected by a waste collection service and processed by the operator for reuse or recycling.
- (2) The waste manager may determine a way (a *processing refund protocol*) to work out the processing refund payable to the material recovery facility operator.
- (3) A processing refund protocol may make provision for the following:
 - (a) material recovery facility operators or classes of material recovery facility operators who are entitled to claim a processing refund;
 - (b) the class of containers for which a processing refund is payable;

- (c) any other circumstances in which a processing refund is payable.
 - (d) the way in which a claim for a processing refund must be made by a material recovery facility operator;
 - (e) the assessment of claims for processing refunds;
 - (f) reporting and keeping records;
 - (g) a process for resolving disputes about processing refunds.
- (4) A processing refund protocol is a disallowable instrument.
- Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).
- (5) A processing refund is not payable to a material recovery facility operator unless a processing refund protocol is in force in relation to the processing refund.
- (6) A regulation may prohibit—
- (a) the landfill disposal of a container in relation to which a claim for a processing refund has been made by a material recovery facility operator; and
 - (b) a material recovery facility operator making a claim for a processing refund in relation to a container that has been disposed of to landfill.

64M Term of scheme coordinator agreement

- (1) The scheme coordinator agreement must not be for longer than 7 years.
- (2) The Minister may, with the agreement of the scheme coordinator, extend the agreement for a further period of not longer than 3 years.

- (3) The agreement must not be extended more than twice.

Example

The scheme coordinator agreement had an initial term of 7 years. The agreement was then extended for a further period of 3 years. The agreement may be extended for another 3 years so that the total term of the agreement is not longer than 13 years.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

Division 10A.4 Network operator agreements

64N Content of network operator agreements

- (1) A network operator agreement must include provisions requiring the network operator to enter into and give effect to an arrangement with a person in relation to the establishment and operation of collection points (a *collection point arrangement*) requiring the network operator to pay to the person refund amounts and associated handling costs for containers that are collected at the collection points (and for which a refund amount is payable under division 10A.6).
- (2) A network operator agreement must include any other provisions the Minister considers necessary to ensure—
- (a) a collection point arrangement required under the agreement sets out a methodology for determining the amounts payable under the arrangement; and
 - (b) the network operator does not act unfairly, or unreasonably discriminate, against or in favour of a collection point operator in negotiating, entering into, performing obligations under or enforcing a collection point arrangement.

- (3) A network operator agreement may provide for any other matters the Minister considers appropriate for the management, administration or operation of the scheme.
- (4) A regulation may make provision in relation to—
 - (a) performance targets (including by reference to any stated network of collection points or area of operation) and any other matter to be included in a network operator agreement; and
 - (b) the content of collection point arrangements under a network operator agreement.
- (5) Nothing in this section or any other provision of this division limits the matters for which a network operator agreement may provide.

640 Approval of collection point arrangements

- (1) A network operator agreement must require the network operator, before entering into a collection point arrangement, to apply to the waste manager for approval of the arrangement.

Note 1 If a form is approved under s 127 for this provision, the form must be used.

Note 2 A fee may be determined under s 126 for this provision.

- (2) A regulation may make provision in relation to the following:
 - (a) an application for approval of a collection point arrangement;
 - (b) the approval, amendment or revocation of an approval of a collection point arrangement.

Division 10A.5 Scheme compliance

64P Inconsistent provisions void

- (1) A provision of the scheme coordinator agreement is void to the extent to which it is inconsistent with—
 - (a) a provision of division 10A.6; or
 - (b) a regulation made under section 64J.
- (2) A provision of a network operator agreement is void to the extent to which it is inconsistent with—
 - (a) a provision of division 10A.6; or
 - (b) a regulation made under section 64N.
- (3) A provision of a scheme arrangement entered into between the scheme coordinator and another scheme participant is void to the extent to which it is inconsistent with—
 - (a) a provision of the scheme coordinator agreement; or
 - (b) a provision of a network operator agreement that applies to a network operator with whom the scheme coordinator has entered into a network arrangement; or
 - (c) a provision of division 10A.6; or
 - (d) a regulation made under section 64J or section 64N.
- (4) A provision of a collection point arrangement entered into between a network operator and a collection point operator is void to the extent to which it is inconsistent with—
 - (a) a provision of the network operator agreement that applies to the network operator and relates to the arrangement; or
 - (b) a provision of division 10A.6; or
 - (c) a regulation made under section 64N.

64Q Penalties for contravention

- (1) A scheme administration agreement may be enforced by a civil penalty or in any other way the agreement provides.
- (2) The scheme coordinator or a network operator who contravenes a provision of a scheme administration agreement enforceable by a civil penalty is liable to pay, as a debt due to the Territory, an amount determined in accordance with the agreement as the penalty for the contravention.
- (3) This section and a provision of a scheme administration agreement authorised by this section have effect despite any other law.
- (4) In this section:
civil penalty means an amount payable to the Territory for the contravention of a stated provision of the agreement.

64R Monitoring and enforcement of compliance

- (1) A scheme administration agreement may—
 - (a) set out the monitoring, reporting and audit requirements to be included in a scheme arrangement; and
 - (b) provide for the exercise of functions under part 13 (Enforcement) by the waste manager (and authorised people appointed by the director-general) in relation to the agreement; and
 - (c) require a scheme arrangement to provide for the exercise of functions under part 13 by the waste manager (and authorised people appointed by the director-general) in relation to the scheme arrangement; and
 - (d) set out any other measures to be taken by the scheme coordinator or network operator to whom the agreement applies to ensure that the parties comply with a scheme arrangement.

- (2) If a scheme administration agreement provides, or a scheme arrangement provides (or is required under a scheme administration agreement to provide), for the exercise of functions under part 13 in relation to the agreement or arrangement, part 13 extends to the exercise of functions by the waste manager (and by authorised people appointed by the director-general) for—
 - (a) deciding whether there has been compliance with, or a contravention of, the agreement or arrangement (or any condition of an approval granted by the waste manager in relation to the arrangement); and
 - (b) obtaining information or records about the monitoring or audit of the activities of parties to the agreement or arrangement in relation to the performance of their obligations under the agreement or arrangement.
- (3) Part 13 applies as if the responsibilities and functions of the waste manager under this Act included the matters mentioned in subsection (2).
- (4) This section does not affect the exercise of functions under part 13 in relation to this Act that are authorised to be exercised without reliance on this section.

64S Performance audit

- (1) At the request of the Minister, the waste manager must conduct a performance audit of the activities of the scheme coordinator or any network operator in relation to the performance of obligations under a scheme administration agreement.
- (2) At the end of the performance audit, the waste manager must give the Minister a written report.

- (3) If the waste manager is of the opinion that the scheme coordinator or a network operator is not complying with the scheme administration agreement, the waste manager may make recommendations to the Minister on appropriate remedial action to be taken.
- (4) A regulation may make provision in relation to performance audits under this section.

64T Register of approved containers and collection points

- (1) The scheme coordinator must maintain a register of approved containers and collection points.
- (2) The register must contain the following details for each approved container:
 - (a) a description of the container, including the following:
 - (i) the kind of container;
 - (ii) its size, by volume;
 - (iii) the material it is made of;
 - (b) the manufacturer;
 - (c) the barcode;
 - (d) the date the container approval for the container was given;
 - (e) if the container approval for the container was given under a corresponding law of a State—the State;
 - (f) if the container approval for the container has ended—the date the approval ended;
 - (g) any conditions of the approval.

- (3) The register must include the following in relation to each collection point:
 - (a) the location;
 - (b) the opening hours;
 - (c) the name of the collection point operator;
 - (d) the kind of containers that can be redeemed there.
- (4) The register may contain anything else prescribed by regulation.
- (5) The register—
 - (a) may be kept in any form, including electronically, that the scheme coordinator decides; but
 - (b) must be accessible by the public and searchable.

64U Reports by scheme coordinator

- (1) The scheme coordinator must, within 90 days after the end of each financial year, give the Minister a written report about the following:
 - (a) the performance of the scheme coordinator in relation to the performance targets under the scheme coordinator agreement;
 - (b) the amounts charged to suppliers under supply arrangements;
 - (c) any other matter prescribed by regulation.
- (2) The Minister must present the report to the Legislative Assembly within 3 months after the day the Minister receives the report.

Division 10A.6 Supply and collection of containers

Subdivision 10A.6.1 Supply of approved containers

64V Container approvals

- (1) A supplier may apply to the waste manager for approval of a container or class of containers for a beverage.
- (2) An application must—
 - (a) be in writing; and
 - (b) contain or be accompanied by the information prescribed by regulation.

Note If a form is approved under s 127 for this provision, the form must be used.

- (3) The waste manager must, within 56 days after receiving the application (the *required time*)—
 - (a) approve the application; or
 - (b) refuse the application.
- (4) The waste manager may refuse the application on any of the following grounds:
 - (a) a supply arrangement is not in force between the supplier and the scheme coordinator;
 - (b) the labelling for the container or containers of the class to which the application relates does not include a refund marking;
 - (c) a ground prescribed by regulation.
- (5) If the waste manager does not decide the application within the required time, the waste manager is taken to have refused the application.

-
- (6) A container approval may—
- (a) be limited to containers supplied by the person to whom the approval is granted; and
 - (b) include—
 - (i) conditions prescribed by regulation; and
 - (ii) any other conditions not inconsistent with a condition under subparagraph (i) that the waste manager imposes on the applicant.
- (7) The waste manager may suspend or revoke a container approval on any grounds prescribed by regulation.
- (8) A person commits an offence if—
- (a) the person holds a container approval; and
 - (b) the person fails to comply with a condition of the approval.
- Maximum penalty: 50 penalty units.
- (9) Strict liability applies to subsection (8) (a) and (b).

64W Requirement for supply arrangement with scheme coordinator and container approval

- (1) A supplier commits an offence if—
- (a) the supplier supplies or offers to supply a beverage in a container to another person; and
 - (b) the following are not in force:
 - (i) a supply arrangement between the supplier and the scheme coordinator for the class of container to which the container belongs;

- (ii) a container approval granted to the supplier for the class of containers to which the container belongs.

Maximum penalty: 1 000 penalty units.

- (2) Strict liability applies to subsection (1) (b).

64X Requirement for refund markings on containers

- (1) A supplier commits an offence if—
 - (a) the supplier supplies or offers to supply a beverage in a container to a person; and
 - (b) the container does not bear a refund marking.

Maximum penalty: 1 000 penalty units.

- (2) Strict liability applies to subsection (1) (b).

Subdivision 10A.6.2 Collection of containers

64Y Refund amounts payable by collection point operators

- (1) A collection point operator commits an offence if—
 - (a) a person presents an empty container to a collection point operated by the collection point operator; and
 - (b) the container bears a refund marking; and
 - (c) the person claims a refund amount for the container from the collection point operator; and
 - (d) the collection point operator does not—
 - (i) accept the container from the person; or
 - (ii) pay the person the refund amount for the container at the time required under subsection (3).

Maximum penalty: 50 penalty units.

-
- (2) Subsection (1) does not apply—
- (a) if the collection point operator reasonably believes that—
 - (i) the container was not acquired in the ACT or in a State in which a corresponding law is in force; or
 - (ii) the container was acquired before the commencement of this part; or
 - (iii) a refund amount has previously been paid for the container at any collection point; or
 - (iv) the container has previously been processed by a material recovery facility operator for reuse or recycling and the scheme coordinator has made, or is required to make, a payment in relation to the container to that operator under the scheme coordinator agreement; or
 - (b) if the person has refused to comply with a requirement of the collection point operator under section 64Z; or
 - (c) in any other circumstance prescribed by regulation.
- Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).
- (3) A refund amount that is payable under this section must be paid at the time the collection point operator accepts the container, or any later time prescribed by regulation.

64Z Refund declarations and proof of identity

- (1) A collection point operator may require a person who presents a container to a collection point to claim a refund amount to give the operator a refund declaration.
- (2) A collection point operator may refuse to pay a person a refund amount if the operator is not satisfied about the person's identity.

- (3) A collection point operator must not pay a person a refund amount in either of the following circumstances unless the person has given the operator a refund declaration and proof of the person's identity:
- (a) if the number of containers for which the person is claiming a refund amount at the collection point is more than the number prescribed by regulation;
 - (b) if the operator knows, or believes on reasonable grounds, that the total number of containers presented to the collection point by the person, and anyone else acting on the person's behalf, within the period prescribed by regulation for claiming a refund is more than the number prescribed by regulation.
- (4) A collection point operator must keep for at least 3 years any records prescribed by regulation in relation to—
- (a) refunds paid by the operator; and
 - (b) proof of identity given to the operator.
- (5) A collection point operator commits an offence if the collection point operator fails to comply with a requirement under subsection (4).
- Maximum penalty: 40 penalty units.
- (6) An offence against subsection (5) is a strict liability offence.
- (7) In this section:

refund declaration means a declaration containing the information prescribed by regulation.

64ZA Offence—claiming refund for containers not subject to scheme

- (1) A person commits an offence if—
- (a) the person presents a container to a collection point to claim a refund; and

- (b) the person knows, or ought reasonably to know that—
 - (i) the container was not acquired in the Territory or in a State in which a corresponding law is in force; or
 - (ii) the container was acquired before the commencement of this part; or
 - (iii) a refund amount has previously been paid for the container at a collection point; or
 - (iv) the container has previously been processed by a material recovery facility operator for reuse or recycling and the scheme coordinator has made, or is required to make, a payment in relation to the container to the operator under the scheme coordinator agreement.

Maximum penalty: 10 penalty units.

- (2) A scheme participant commits an offence if—
 - (a) the scheme participant gives an invoice or other statement to a scheme administrator; and
 - (b) the invoice or other statement claims a refund amount payable by the scheme administrator to the scheme participant for a container under a scheme arrangement; and
 - (c) the scheme participant knows, or ought reasonably to know that—
 - (i) the container was not acquired in the ACT or in a State in which a corresponding law is in force; or
 - (ii) the container was acquired before the commencement of this part; or
 - (iii) a refund amount has been paid for the container more than once at any 1 or more collection points; or

- (iv) the container has previously been processed by a material recovery facility operator for reuse or recycling and the scheme coordinator has made, or is required to make, a payment in relation to the container to the operator under the scheme coordinator agreement.

Maximum penalty: 1 000 penalty units.

- (3) In this section:

scheme administrator means the scheme coordinator or a network operator.

scheme participant means a network operator or collection point operator.

Division 10A.7 Miscellaneous

64ZB Authorisations for Competition and Consumer Act 2010 (Cwlth)

For the *Competition and Consumer Act 2010* (Cwlth), this part authorises—

- (a) everything done under this part; and
- (b) all scheme administration agreements and scheme arrangements made under this part; and
- (c) everything done under a scheme administration agreement or a scheme arrangement authorised by this part.

Note 1 For the Competition Code of the Australian Capital Territory, see the *Competition Policy Reform Act 1996*, s 5 and s 10.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see *Legislation Act*, s 104).

64ZC Review of part

- (1) The Minister must review the operation of this part as soon as practicable after the end of its 5th year of operation.
- (2) The Minister must present a report of the review to the Legislative Assembly within 3 months after the day the review is started.
- (3) This section expires 6 years after the day it commences.

**11 Direction to stop contravening Act etc
Section 70 (1) and (2)**

substitute

- (1) This section applies if the waste manager believes on reasonable grounds that a person is—
 - (a) contravening this Act; or
 - (b) contravening a condition of a licence; or
 - (c) contravening a condition of registration as a waste transporter; or
 - (d) failing to comply with a requirement of a scheme administration agreement.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (2) The waste manager may direct the person to comply with this Act, or the condition or requirement by doing, or not doing, a thing (a ***compliance direction***).

Note A decision under this section is a reviewable decision (see s 120).

12 Regulation-making power Section 128 (2), new paragraph (c)

insert

(c) make provision in relation to the content of scheme arrangements made under part 10A.

13 Reviewable decisions Schedule 1, new item 5A

insert

5A	34A (b)	impose condition on registration	applicant for registration	waste manager
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14 Schedule 1, new items 8A to 8C

insert

8A	64V (3) (b)	refuse to grant container approval	applicant	waste manager
8B	64V (6) (b) (ii)	impose conditions on container approval	supplier	waste manager
8C	64V (7)	suspend or revoke container approval	supplier	waste manager

15 Dictionary, new definitions

insert

approved container means a container, or a container within a class of containers, that is the subject of a container approval.

beverage, for part 10A (Container deposit scheme)—see section 64C.

collection point, for part 10A (Container deposit scheme)—see section 64D.

collection point arrangement, for part 10A (Container deposit scheme)—see section 64N (1).

collection point operator, for a collection point, for part 10A (Container deposit scheme)—see section 64B.

container, for part 10A (Container deposit scheme)—see section 64E.

container approval, for part 10A (Container deposit scheme)—see section 64B.

16 Dictionary, definition of *corresponding law*

substitute

corresponding law, of a State, means—

- (a) for this Act—a law of the State about the registration or licensing of people who carry out waste activities; and
- (b) for part 10A (Container deposit scheme)—see section 64B.

Note **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

17 Dictionary, new definitions

insert

material recovery facility operator, for part 10A (Container deposit scheme)—see section 64B.

network arrangement, for part 10A (Container deposit scheme)—see section 64J (1) (b).

network operator, for part 10A (Container deposit scheme)—see section 64B.

network operator agreement, for part 10A (Container deposit scheme)—see section 64B.

refund amount, for part 10A (Container deposit scheme)—see section 64F.

refund marking, for part 10A (Container deposit scheme)—see section 64G.

scheme, for part 10A (Container deposit scheme)—see section 64B.

scheme administration agreement, for part 10A (Container deposit scheme)—see section 64H (1).

scheme arrangement, for part 10A (Container deposit scheme)—see section 64B.

scheme coordinator, for part 10A (Container deposit scheme)—see section 64B.

scheme coordinator agreement, for part 10A (Container deposit scheme)—see section 64B.

scheme participant, for part 10A (Container deposit scheme)—see section 64B.

supplier, for part 10A (Container deposit scheme)—see section 64B.

supply, for part 10A (Container deposit scheme)—see section 64B.

supply arrangement, for part 10A (Container deposit scheme)—see section 64J (1) (a).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 21 September 2017.

2 Notification

Notified under the [Legislation Act](#) on 9 November 2017.

3 Republications of amended laws

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

I certify that the above is a true copy of the Waste Management and Resource Recovery Amendment Bill 2017, which was passed by the Legislative Assembly on 31 October 2017.

Acting Clerk of the Legislative Assembly

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