



New South Wales

Environmental Legislation Amendment (Plastic Reduction and Container Recycling) Bill 2026

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the following Acts—

- (a) the *Contaminated Land Management Act 1997*,
- (b) the *Environmental Legislation Amendment Act 2025*,
- (c) the *Pesticides Act 1999*,
- (d) the *Plastic Reduction and Circular Economy Act 2021*,
- (e) the *Product Lifecycle Responsibility Act 2025*,
- (f) the *Protection of the Environment Operations Act 1997*,
- (g) the *Waste Avoidance and Resource Recovery Act 2001*.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 **Amendment of Contaminated Land Management Act 1997 No 140**

Schedule 1[1] makes an amendment to provide for additional circumstances in which information obtained in connection with the administration or execution of the Act or the regulations may be

disclosed and to provide consistency with the disclosure provisions of other environmental protection legislation.

Schedule 1[2] extends the application of the Act, section 109, which provides that nothing in the Act prevents the Environment Protection Authority (the *EPA*) from issuing certain notices and directions in accordance with the *Protection of the Environment Operations Act 1997*, Chapter 4, to apply to any notice and direction under that chapter.

Schedule 2 Amendment of Environmental Legislation Amendment Act 2025 No 58

Schedule 2[1] substitutes references to the relevant authority with references to the EPA or appropriate regulatory authority in relation to the issue of preliminary investigation notices. **Schedule 2[3] and [4]** substitute references to a local council with references to an appropriate regulatory authority in relation to preliminary investigation notices. **Schedule 2[2] and [5]** make consequential amendments.

Schedule 3 Amendment of Pesticides Act 1999 No 80

Schedule 3[1] amends the time at which a clean-up direction given orally expires, substituting 72 hours from the time the direction is given with 3 business days from the time the direction is given.

Schedule 3[2] makes an amendment to provide for additional circumstances in which information obtained in connection with the administration or execution of the Act or the regulations may be disclosed and to provide consistency with the disclosure provisions of other environmental protection legislation.

Schedule 4 Amendment of Plastic Reduction and Circular Economy Act 2021 No 31

Schedule 4[1] makes further provision for design standards in relation to labelling or recyclability.

Schedule 4[2], [8], [9] and [22] clarify that the maximum penalties under offences in the Act for corporations apply to all other persons other than individuals.

Schedule 4[3] inserts proposed Part 4A.

Proposed section 34A provides for definitions of *beverage*, *food*, *operator*, *premises*, *reusable cup*, *reuse scheme*, *reuse scheme reusable cup*, *sell* and *takeaway business*.

Proposed section 34B makes it an offence for a beverage to be sold at, on or from a takeaway business in a single-use cup if the customer provides a reusable cup for the beverage.

Proposed section 34C makes it an offence for a beverage to be sold at, on or from a takeaway business without offering or supplying, in the sale of the beverage, a reuse scheme reusable cup for the beverage.

Proposed sections 34B(2) and 34C(2) provide that an operator of a takeaway business is guilty of an offence if a charge or fee is imposed for selling a beverage in the customer's reusable cup or for supplying a beverage in a reuse scheme reusable cup.

Schedule 4[4] inserts proposed sections 35A–35C, which create offences in relation to preparing, keeping and making available information or documents.

Schedule 4[6] permits the regulator to require the making or keeping of records or other information under a compliance notice.

Schedule 4[7] inserts proposed section 36A to permit the regulator to issue compliance notices if the regulator reasonably suspects an operator of a takeaway business has failed to ensure the sale

of beverages in reusable cups or reuse scheme reusable cups in accordance with proposed section 34B or 34C. **Schedule 4[5] and [10]** make consequential amendments.

Schedule 4[11] substitutes section 47 for clarity and includes additional offences in relation to items that attract higher penalties if committed by a manufacturer, producer, distributor or wholesaler of the item.

Schedule 4[12] and [13] extend the offence under section 50 of giving false or misleading information to include causing or permitting the giving of false or misleading information and apply the offence to false or misleading information about an item exempt from the Act or the regulations. **Schedule 4[14]** makes a consequential amendment by inserting a definition of *exempt item*.

Schedule 4[15] inserts proposed section 51A, which makes it an offence for a person to provide or cause or permit to be provided false or misleading information about a reuse scheme reusable cup or purported reuse scheme reusable cup.

Schedule 4[19] makes further provision under section 61 for exemptions granted by the regulator. This is a Henry VIII provision. **Schedule 4[16]–[18]** make consequential amendments.

Schedule 4[20] inserts proposed section 61A, which imposes record keeping requirements for persons who have been granted or who rely on an exemption by the regulator.

Schedule 4[21] enables regulations to be made about schemes for certifying, testing, assessing or accrediting items and in relation to records. This is a shell provision as the details of the proposed scheme will be specified by regulation.

Schedule 4[22] substitutes section 68(3) to clarify an existing regulation-making power to exempt a person, matter or thing from the Act or the regulations. This is a Henry VIII provision. The item also substitutes section 68(4) to make a consequential amendment relating to offences for persons other than individuals and corporations and amends section 68(5) to clarify the incorporation of documents.

Schedule 4[23] makes provision for savings and transitional matters.

Schedule 4[24] and [25] make consequential amendments to the dictionary in Schedule 4.

Schedule 4[26] clarifies the definition of *plastic*.

Schedule 4[27] clarifies the definition of *single-use*.

Schedule 5 Amendment of Product Lifecycle Responsibility Act 2025 No 22

Schedule 5[1] and [2] amend the offence in relation to a brand owner or product stewardship organisation giving false or misleading information about a matter under the Act, Part 2 or 3 by making it an offence to cause or permit false or misleading information to be given and by extending the kind of information to include information about a matter that is exempt from the Act, Part 2 or 3.

Schedule 5[3] inserts a definition of *relevant matter* for the Act, section 40.

Schedule 5[4] makes an amendment consequent on the commencement of the Act.

Schedule 6 Amendment of Protection of the Environment Operations Act 1997 No 156

Schedule 6[1] permits the EPA to give ancillary directions in relation to clean-up notices if the EPA is not the appropriate regulatory authority.

Schedule 6[2], [6] and [11]–[13] make minor amendments for the purpose of effecting statute law revision.

Schedule 6[3]–[5] entitle the EPA to recover costs and expenses after giving a clean-up notice if the EPA is not the appropriate regulatory authority.

Schedule 6[9] substitutes section 146E to make it an offence to release one or more balloons, as opposed to 20 or more balloons. **Schedule 6[7] and [8]** make consequential amendments to provide that it is an offence for a person to cause, ask, require or induce, or attempt to cause, ask require or induce, a person to do anything that contravenes or would contravene proposed section 146E(1) or (2).

Schedule 6[10] provides that an offence under the *Waste Avoidance and Resource Recovery Act 2001*, section 44 or 47 is a prescribed offence for the purposes of commencing summary proceedings under the Act, section 216.

Schedule 6[14] substitutes section 286 to make further provision for exemptions from the Act or the regulations, including the granting of an exemption, or about an exemption granted, by the EPA and for the imposition or waiver or refund of fees concerning exemptions. This is a Henry VIII provision.

Schedule 6[15]–[18] make amendments to provide for additional circumstances in which information obtained in connection with the administration or execution of the Act or the regulations may be disclosed and provide consistency with the disclosure provisions of other environmental protection legislation.

Schedule 6[19] enables regulations to be made permitting the EPA to deal with matters, including making decisions and carrying out other actions, from time to time for the Act and the regulations. **Schedule 6[20]** inserts a definition of *dealt with*.

Schedule 6[21] enables regulations to be made in relation to the immobilisation of waste.

Schedule 6[22] enables regulations to be made in relation to the EPA exercising functions relating to waste, including the granting of approvals and the determination or estimation of the quantity of waste in any circumstances.

Schedule 6[23] enables regulations to be made for the imposition of fees in relation to national environment protection measures under the *National Environment Protection Council Act 1994* of the Commonwealth.

Schedule 6[24] makes a consequential amendment with retrospective effect to ensure that ancillary directions may apply to clean-up notices that have been issued and that costs and expenses incurred to date may be recovered.

Schedule 7 Amendment of Waste Avoidance and Resource Recovery Act 2001 No 58

Schedule 7[1] inserts proposed section 7, which authorises the EPA to delegate the exercise of the EPA's functions to certain persons.

Schedule 7[2] amends the objects of the Act, Part 5, which relates to the container deposit scheme (the *Scheme*). **Schedule 7[3]** makes a consequential amendment.

Schedule 7[4] omits the definition of *domestic waste management services*. **Schedule 7[5]** makes a consequential amendment.

Schedule 7[6] inserts definitions of *export rebates*, *exporter* and *processing refunds agreement* for the Act, Part 5.

Schedule 7[8] inserts proposed section 22A, which defines *supply* for the Act, Part 5. The proposed section also enables regulations to provide for the circumstances in which a supply of a beverage in a container is taken to be the first supply of the beverage in the container in the State. This is a Henry VIII provision. **Schedule 7[7]** makes a consequential amendment.

Schedule 7[9] provides that a Scheme Coordinator agreement may require the Scheme Coordinator to obtain the EPA's approval before entering into supply arrangements, in addition to network arrangements.

Schedule 7[10] and [11] amend the Act, section 28 to—

- (a) provide that the Scheme Coordinator must not pay refund amounts to a material recovery facility operator for containers that are collected for the purpose of the Scheme, unless there is an agreement between the Scheme Coordinator and the material recovery facility operator in relation to payments of refund amounts (a *processing refunds agreement*), and
- (b) enable the regulations to prescribe the particulars of a processing refunds agreement, and
- (c) extend the operation of the section to material recovery facility operators outside the State that process containers collected inside the State, and
- (d) set out the requirements of an agreement between the Scheme Coordinator and a material recovery facility operator located outside the State.

Schedule 7[12] inserts proposed section 28A to provide that a Scheme Coordinator agreement may require the Scheme Coordinator to pay rebate amounts to an exporter for beverages in containers acquired in the State that are supplied outside the State (*export rebates*). The proposed section also provides that the EPA may publish an order in the Gazette that sets out how export rebates are calculated.

Schedule 7[13] clarifies that a provision of a processing refunds agreement is void to the extent the provision is inconsistent with certain provisions of the Act, unless the regulations provide otherwise.

Schedule 7[14] provides that the total term of a Scheme Coordinator agreement and network operator agreement must not be more than 20 years, including both the initial term and any extensions.

Schedule 7[15] amends the matters that must be included in a report prepared by the Scheme Coordinator at the end of the financial year.

Schedule 7[16], [17], [19], [24], [25], [35] and [37] make minor amendments for the purpose of effecting statute law revision.

Schedule 7[18] substitutes the Act, section 39 to expand its operation so that a supplier must not supply or offer a beverage in a container to a person if the container—

- (a) does not bear the prescribed barcode for the container or the class of containers to which the container belongs, or
- (b) has a prohibited opening mechanism.

Schedule 7[20]–[23] amend the Act, section 40 to—

- (a) provide that an approval of an application for a container approval by the EPA is subject to certain conditions, and
- (b) provide additional grounds on which the EPA may refuse to grant a container approval, and
- (c) provide that certain periods of time are excluded from the calculation of the 28-day period in which an application is taken to have been refused and enable the regulations to prescribe other periods of time that are excluded from this calculation, and
- (d) make consequential amendments.

Schedule 7[26] amends the exemption under the Act, section 42 to include where a collection point operator reasonably believes that—

- (a) a container has previously been processed for reuse or recycling by a person in a jurisdiction in which a corresponding law is in force, and
- (b) a payment has been made, or must be made, to the person under the scheme operating under the corresponding law.

Schedule 7[27]–[29] amend the Act, section 43 to—

- (a) provide that a collection point operator is not required to keep a record of proof of identity documentation that is provided to the operator for the purpose of claiming a refund, and
- (b) make minor amendments for the purpose of effecting statute law revision to clarify that a maximum penalty of 40 penalty units applies to each penalty provision.

Schedule 7[30] substitutes the Act, section 44 to expand the offences in the section to further circumstances relating to claims for refunds and export rebate payments.

Schedule 7[31]–[33] provide that a processing refunds agreement is specifically authorised for the purposes of the *Competition and Consumer Act 2010* of the Commonwealth and the *Competition Code of New South Wales*.

Schedule 7[34] clarifies that a person must not provide information the person knows is false or misleading in connection with a claim for payment under the Scheme.

Schedule 7[36] makes a consequential amendment to the Act, section 54A, which will be inserted into the Act by the *Environmental Legislation Amendment Act 2025*, Schedule 12[4].

Schedule 7[38] inserts proposed section 56A to enable regulations to be made to exempt persons, premises, areas, activities or other things from specified provisions of the Act or the regulations. This is a Henry VIII provision.

Schedule 7[39] inserts savings and transitional provisions.



New South Wales

Environmental Legislation Amendment (Plastic Reduction and Container Recycling) Bill 2026

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Environmental Legislation Amendment (Plastic Reduction and Container Recycling) Bill 2026

No. _____, 2026

A Bill for

An Act to make further provision for plastic reduction and the container deposit scheme and other matters in relation to legislation administered by the Minister for Climate Change and the Minister for the Environment; and for related purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Environmental Legislation Amendment (Plastic Reduction and Container Recycling) Act 2026*.

3

4

2 Commencement

5

This Act commences as follows—

6

(a) for Schedule 7—on a day or days to be appointed by proclamation,

7

(b) otherwise—on the date of assent to this Act.

8

Schedule 1 Amendment of Contaminated Land Management Act 1997 No 140 1
2

[1] Section 107 3
Omit the section. 4
Insert instead— 5

107 Disclosure of information 6

- (1) A person must not disclose information obtained in connection with the administration or execution of this Act or the regulations, unless the disclosure is made— 7
8
9
- (a) with the consent of the person from whom the information was obtained, or 10
11
 - (b) in connection with the administration or execution of environment protection legislation, or 12
13
 - (c) by a member of staff of the EPA or another regulatory authority and the disclosure is reasonably related to the prevention or amelioration of harm to— 14
15
16
 - (i) the public, or 17
 - (ii) a person or property, or 18
 - (iii) the environment, or 19
 - (d) to another government sector agency, or 20
 - (e) to an agency of the Commonwealth or another State or Territory— 21
 - (i) involved in the administration or execution of a law of the Commonwealth or the other State or Territory relating to contaminated land, or 22
23
24
 - (ii) prescribed by the regulations, or 25
 - (f) for the purposes of legal proceedings arising out of this Act or the regulations or a report of the proceedings, or 26
27
 - (g) in accordance with a requirement imposed under the *Ombudsman Act 1974*, or 28
29
 - (h) with the prior permission of the Minister, or 30
 - (i) in the circumstances prescribed by the regulations, or 31
 - (j) with another lawful excuse. 32
- Maximum penalty—200 penalty units. 33
- (2) Despite subsection (1), a person may disclose a site audit report or site audit statement relating to a statutory site audit within the meaning of Part 4. 34
35
- (3) In this section— 36
government sector agency means the following— 37
- (a) a government sector agency within the meaning of the *Government Sector Employment Act 2013*, 38
39
 - (b) a public authority prescribed by the regulations. 40

[2] Section 109 Relationship with other Acts 41
Omit section 109(4). 42
Insert instead— 43

- (4) Nothing in this section prevents the EPA from issuing a notice or direction in accordance with the *Protection of the Environment Operations Act 1997*, Chapter 4. 1
2
3

Schedule 2	Amendment of Environmental Legislation	1
	Amendment Act 2025 No 58	2
[1]	Schedule 9 Amendment of Protection of the Environment Operations Act 1997 No 156	3
	Omit “relevant authority” wherever occurring in Schedule 9[15] and [16].	4
	Insert instead “EPA or appropriate regulatory authority”.	5
[2]	Schedule 9[17]	6
	Omit the item.	7
[3]	Schedule 9[18], [21], [25] and [29]	8
	Omit “or a local council” wherever occurring.	9
	Insert instead “or appropriate regulatory authority”.	10
[4]	Schedule 9[19], [20], [22]–[24], [26], [27] and [30]	11
	Omit “or local council” wherever occurring.	12
	Insert instead “or appropriate regulatory authority”.	13
[5]	Schedule 9[30A]	14
	Insert after Schedule 9[30]—	15
[30A]	Section 90H Recovery of amounts	16
	Insert “or appropriate regulatory authority” after “EPA” in section 90H(1).	17
		18

Schedule 3 Amendment of Pesticides Act 1999 No 80

[1] Section 21 Clean-up directions may be given orally

Omit “72 hours” from section 21(3).

Insert instead “3 business days”.

[2] Section 44

Omit the section.

Insert instead—

44 Disclosure of information

(1) A person must not disclose information obtained in connection with the administration or execution of this Act or the regulations, unless the disclosure is made—

(a) with the consent of the person from whom the information was obtained, or

(b) in connection with the administration or execution of environment protection legislation within the meaning of the *Protection of the Environment Administration Act 1991*, or

(c) by a member of staff of the EPA or another regulatory authority and the disclosure is reasonably related to the prevention or amelioration of harm to—

(i) the public, or

(ii) a person or property, or

(iii) the environment, or

(d) to another government sector agency, or

(e) to an agency of the Commonwealth or another State or Territory—

(i) involved in the administration or execution of a law of the Commonwealth or the other State or Territory relating to pesticides, or

(ii) prescribed by the regulations, or

(f) for the purposes of legal proceedings arising out of this Act or the regulations or a report of the proceedings, or

(g) in accordance with a requirement imposed under the *Ombudsman Act 1974*, or

(h) with the prior permission of the Minister, or

(i) in the circumstances prescribed by the regulations, or

(j) with another lawful excuse.

Maximum penalty—200 penalty units.

(2) In this section—

government sector agency means the following—

(a) a government sector agency within the meaning of the *Government Sector Employment Act 2013*,

(b) a public authority prescribed by the regulations.

Schedule 4	Amendment of Plastic Reduction and Circular Economy Act 2021 No 31	1
		2
[1] Section 8 Design standards		3
Insert after section 8(2)—		4
(2A)	A design standard in relation to labelling or recyclability (a <i>relevant standard</i>) may authorise the EPA to decide matters necessary or convenient to give effect to the standard.	5 6 7
(2B)	The decision of the EPA must be made by order published on a website of the EPA.	8 9
(2C)	The relevant standard or order may apply, adopt or incorporate a publication as in force for the time being or from time to time.	10 11
[2] Sections 9(1) and 50(1), penalties		12
Omit the penalties.		13
Insert instead—		14
Maximum penalty—		15
(a)	for an individual—100 penalty units, or	16
(b)	otherwise—500 penalty units.	17
[3] Part 4A		18
Insert after Part 4—		19
	Part 4A Reusable cups and takeaway businesses	20
34A Definitions		21
(1)	In this part—	22
	<i>beverage</i> means a liquid intended for human consumption by drinking.	23
	<i>food</i> has the same meaning as in the <i>Food Act 2003</i> and includes a beverage.	24
	<i>operator</i> , of a takeaway business—	25
(a)	means a person who—	26
(i)	controls or operates the business, or	27
(ii)	controls the packaging that beverages for sale are placed in at the premises of the business, or	28 29
(iii)	controls an operating procedure for the sale of beverages by the business, and	30 31
(b)	includes a person prescribed by the regulations, and	32
(c)	does not include an employee of a person referred to in paragraph (a) in connection with the business.	33 34
	<i>premises</i> —	35
(a)	has the same meaning as in the <i>Protection of the Environment Operations Act 1997</i> , and	36 37
(b)	includes—	38
(i)	a defined area in a building or other structure or place, and	39
(ii)	an area prescribed by the regulations.	40
	<i>reusable cup</i> —	41

- (a) means a cup that is not a single-use cup, and 1
- (b) includes a cup prescribed by the regulations. 2
- Examples—** ceramic cups, metal cups and glass cups 3
- reuse scheme**, in relation to a reusable cup— 4
- (a) means a scheme that provides for or supports the reuse of reusable cups, 5
and 6
- (b) includes a scheme prescribed by the regulations. 7
- reuse scheme reusable cup** means a reusable cup, including a lid provided 8
with the cup— 9
- (a) for which a reuse scheme is established, and 10
- (b) that meets the criteria prescribed by the regulations, including criteria 11
prescribed, if any, in relation to— 12
 - (i) the labelling or recyclability of the cup, and 13
 - (ii) the kind of reuse scheme established. 14
- sell** includes— 15
- (a) cause or permit to be sold or offered for sale, and 16
- (b) offer or give as a prize or reward, and 17
- (c) give away for the purpose of advertisement or in furtherance of trade or 18
business. 19
- takeaway business**— 20
- (a) means a business, enterprise or activity that involves the retail sale of a 21
beverage for consumption away from the premises at, on or from which 22
the beverage was sold, whether— 23
 - (i) other food, goods or services are sold, whether by retail or 24
wholesale, in connection with the business, enterprise or activity, 25
or 26
 - (ii) the business, enterprise or activity is for commercial, charitable, 27
sporting, educational or community purposes, or 28
 - (iii) the sale occurs on one or more occasions, and 29
- Examples—** cafes, bakeries, food trucks, quick service restaurants, food court 30
outlets and service stations 31
- (b) includes a business prescribed by the regulations. 32
- (2) In this part— 33
- (a) a reference to takeaway premises at, on or from which a beverage is sold 34
in relation to a takeaway business is a reference to the premises of the 35
takeaway business at, on or from which the beverage was sold, and 36
- (b) a reference to the consumption of a beverage away from premises at, on 37
or from which the beverage was sold includes— 38
 - (i) within a shopping centre, mall or arcade, the consumption of the 39
beverage at a food court, or other designated area for eating, 40
adjacent to the premises at, on or from which the beverage was 41
sold, and 42
 - (ii) within a stadium precinct, the consumption of the beverage at an 43
area within the stadium precinct adjacent to or away from the area 44
within the stadium precinct at, on or from which the beverage 45
was sold. 46

34B	Takeaway businesses must use reusable cups where provided by customers	1
(1)	An operator of a takeaway business commits an offence if—	2
(a)	a beverage is sold to a customer on, at or from the takeaway premises, and	3 4
(b)	the beverage is not sold in a reusable cup provided by the customer at the time of sale, and	5 6
(c)	the beverage is instead placed and sold to the customer in a single-use plastic cup at or on the takeaway premises.	7 8
	Maximum penalty—	9
(a)	for an individual—20 penalty units, or	10
(b)	otherwise—100 penalty units.	11
(2)	An operator of a takeaway business commits an offence if—	12
(a)	a fee or charge is included in the sale of a beverage on, at or from the takeaway premises, and	13 14
(b)	the fee or charge is imposed because the beverage is sold in a reusable cup provided by the customer.	15 16
	Maximum penalty—	17
(a)	for an individual—20 penalty units, or	18
(b)	otherwise—100 penalty units.	19
34C	Takeaway businesses must supply reuse scheme reusable cups	20
(1)	An operator of a takeaway business commits an offence if—	21
(a)	in the sale of a beverage to a customer on, at or from the takeaway premises—	22 23
(i)	a reuse scheme reusable cup for the beverage is not offered to the customer, or	24 25
(ii)	if the offer is made to and accepted by the customer—the beverage is not supplied in the reuse scheme reusable cup, and	26 27
(b)	on or at the takeaway premises, the beverage is instead placed and sold to the customer in a single-use cup.	28 29
	Maximum penalty—	30
(a)	for an individual—200 penalty units, or	31
(b)	otherwise—1,000 penalty units.	32
(2)	An operator of a takeaway business commits an offence if—	33
(a)	a fee or charge is included in the sale of a beverage on, at or from the takeaway premises, and	34 35
(b)	the fee or charge is imposed because the beverage is sold in a reuse scheme reusable cup supplied to the customer at or on the takeaway premises.	36 37 38
	Maximum penalty—	39
(a)	for an individual—20 penalty units, or	40
(b)	otherwise—100 penalty units.	41
[4]	Part 5, Divisions 1 and 2	42
	Omit section 35.	43
	Insert instead—	44

Division 1	Information gathering	1
35A	Record keeping requirements	2
(1)	A relevant person must—	3
(a)	prepare a prescribed record, and	4
(b)	keep a prescribed record for at least 6 years after the year to which the prescribed record relates, and	5 6
(c)	make a prescribed record available for inspection and copying by an authorised officer on request.	7 8
	Maximum penalty—	9
(a)	for an individual—1,000 penalty units and, for a continuing offence, a further 100 penalty units for each day the offence continues, or	10 11
(b)	otherwise—4,000 penalty units and, for a continuing offence, a further 400 penalty units for each day the offence continues.	12 13
(2)	In this section—	14
	<i>prescribed record</i> means a record or other document prescribed by the regulations.	15 16
	<i>relevant person</i> means the following—	17
(a)	an operator of a takeaway business,	18
(b)	a supplier.	19
35B	Authorised officers may require information	20
(1)	An authorised officer may, by written notice to a person, require the person to give the authorised officer information or documents required to be kept or prepared by the person under this Act or the regulations.	21 22 23
(2)	The person must comply with the written notice.	24
	Maximum penalty for subsection (2)—	25
(a)	for an individual—1,000 penalty units and, for a continuing offence, a further 100 penalty units for each day the offence continues, or	26 27
(b)	otherwise—4,000 penalty units and, for a continuing offence, a further 400 penalty units for each day the offence continues.	28 29
35C	Information to be disclosed to other persons	30
(1)	A person must not fail to give information or documents to another person that the person is required to give, in the time specified, under this Act, the regulations or an exemption.	31 32 33
	Maximum penalty—	34
(a)	for an individual—1,000 penalty units, and for a continuing offence, a further 100 penalty units for each day the offence continues, or	35 36
(b)	otherwise—4,000 penalty units, and for a continuing offence, a further 400 penalty units for each day the offence continues.	37 38
(2)	In this section—	39
	<i>exemption</i> means an exemption from a provision of this Act or the regulations, whether provided for by this Act or the regulations or granted by the regulator.	40 41

Division 2	Compliance notices	1
35	Definitions	2
	In this division—	3
	<i>compliance cost notice</i> means a notice given by the regulator under section 41.	4
	<i>notice</i> means—	5
	(a) a compliance cost notice, or	6
	(b) a compliance notice.	7
	<i>stop notice</i> means a stop notice under section 36(3)(a) or 36A(3)(a).	8
[5]	Section 36, heading	9
	Insert “relating to items” after “notices”.	10
[6]	Section 36(3)(c1)	11
	Insert after section 36(3)(c)—	12
	(c1) to make or keep records or other documents,	13
[7]	Section 36A	14
	Insert after section 36—	15
36A	Compliance notices relating to reusable cups	16
(1)	This section applies when the regulator reasonably suspects an operator of a takeaway business has contravened or is likely to contravene a provision of Part 4A.	17 18 19
(2)	The regulator may, by written notice, direct the operator to take action specified in the notice within the period, if any, specified in the notice.	20 21
(3)	Without limiting subsection (2), the action specified in the notice may include the following—	22 23
(a)	to stop or suspend (a <i>stop notice</i>) the supply of—	24
(i)	a reusable cup, or	25
(ii)	beverages in single-use cups if reusable cups are required to be used,	26 27
(b)	to stop another specified action or activity, including providing information that is, or is likely to be, false or misleading in relation to a reusable cup,	28 29 30
(c)	to dispose of a reusable cup,	31
(d)	to make or keep records or other documents,	32
(e)	to engage an independent and appropriately qualified person to carry out specified tests on a reusable cup,	33 34
(f)	to give a statement of compliance to a person who receives or will receive supply of a reusable cup,	35 36
(g)	other actions prescribed by the regulations, including actions that must not be taken.	37 38
(4)	In this section—	39
	<i>reusable cup</i> includes a reuse scheme reusable cup and a purported reuse scheme reusable cup.	40 41

[8] Section 37 Offence—non-compliance with stop notice	1
Omit the penalty.	2
Insert instead—	3
Maximum penalty—	4
(a) for an individual—500 penalty units and, for a continuing offence, a further 50 penalty units for each day the offence continues, or	5
(b) otherwise—2,500 penalty units and, for a continuing offence, a further 250 penalty units for each day the offence continues.	6
[9] Sections 38 and 46	9
Omit the penalties.	10
Insert instead—	11
Maximum penalty—	12
(a) for an individual—100 penalty units and, for a continuing offence, a further 10 penalty units for each day the offence continues, or	13
(b) otherwise—500 penalty units and, for a continuing offence, a further 50 penalty units for each day the offence continues.	14
[10] Section 39, heading	17
Insert “ of notices ” after “ Commencement ”.	18
[11] Section 47	19
Omit the section.	20
Insert instead—	21
47 Increase in penalties for certain offences	22
(1) The maximum penalty for an offence against a prescribed section is double the penalty specified for the offence in the prescribed section if—	23
(a) the offence relates to an item, and	24
(b) the prosecution proves the person who committed the offence was, when the offence was committed, a relevant person, and	25
(c) the court attendance notice or summons by which the proceedings are commenced specifies that this section applies.	26
(2) In this section—	27
<i>item</i> includes a reusable cup.	28
<i>prescribed section</i> means the following—	29
(a) section 9(1),	30
(b) section 35A(1),	31
(c) section 35B(2),	32
(d) section 35C(1),	33
(e) section 37,	34
(f) section 38,	35
(g) section 50(1),	36
(h) section 51A(1),	37
(i) section 61A(1).	38

	<i>relevant person</i> means a person who—	1
	(a) is a manufacturer or producer of the item, or	2
	(b) supplies the item while carrying on a business as a wholesaler or distributor.	3 4
[12]	Section 50 Offence—false or misleading information in connection with supply	5
	Omit “A person must not, while carrying on a business, provide, whether by act or omission,” from section 50(1).	6 7
	Insert instead “A person must not, by act or omission, while carrying on a business, give or cause or permit to be given”.	8 9
[13]	Section 50(1)(c)	10
	Omit “regulations.” from section 50(1)(b)(ii).	11
	Insert instead—	12
	regulations,	13
	(c) an exempt item.	14
[14]	Section 50(3)	15
	Insert in alphabetical order—	16
	<i>exempt item</i> means an item that is exempt from a provision of this Act or the regulations.	17 18
[15]	Section 51A	19
	Insert at the end of Part 6—	20
	51A Offence—false or misleading information in connection with reusable cups	21
	(1) A person must not, by act or omission, while carrying on a business, give or cause or permit the giving of information about a reuse scheme reusable cup, or purported reuse scheme reusable cup, to a person that is false or misleading in a material particular.	22 23 24 25
	Maximum penalty—	26
	(a) for an individual—100 penalty units, or	27
	(b) otherwise—500 penalty units.	28
	(2) It is a defence to a prosecution under this section if the person charged with the offence proves—	29 30
	(a) the person exercised due diligence to prevent the commission of the offence, or	31 32
	(b) the circumstances of a defence prescribed by the regulations existed.	33
	(3) In this section—	34
	<i>give</i> includes the following—	35
	(a) print or include in or on a label or packaging material,	36
	(b) fail to correct,	37
	(c) publish on a publicly available website.	38
[16]	Section 61 Regulator may grant exemptions	39
	Omit “exemption for” from section 61(2).	40

Insert instead “exemption for one or more of the following”.	1
[17] Section 61(2)(a)	2
Omit “and”.	3
[18] Section 61(5) and (6)	4
Omit “granted under this section” wherever occurring.	5
[19] Section 61(7)–(10)	6
Omit section 61(7) and (8).	7
Insert instead—	8
(7) An exemption may be unconditional or subject to conditions specified in the notice.	9 10
(8) Without limiting subsection (7), conditions may include requirements about the following—	11 12
(a) the certification, testing, assessment, accreditation or verification of items, including how and by whom the activities are carried out,	13 14
(b) the making, keeping or inspection of records or other documents relating to the exemption for the purposes of this Act.	15 16
(9) The regulator may vary or revoke an exemption by a further notice published or given in accordance with this section.	17 18
(10) An exemption may apply, adopt or incorporate a publication as in force for the time being or from time to time.	19 20
[20] Section 61A	21
Insert after section 61—	22
61A Record keeping under exemptions	23
(1) An exempt person must—	24
(a) prepare a prescribed record, and	25
(b) keep a prescribed record—	26
(i) for the period specified under the exemption, or	27
(ii) if no period is specified—for 6 years after the prescribed record is made, and	28 29
(c) make a prescribed record available for inspection and copying by an authorised officer on request.	30 31
Maximum penalty—	32
(a) for an individual—1,000 penalty units and, for a continuing offence, a further 100 penalty units for each day the offence continues, or	33 34
(b) otherwise—4,000 penalty units and, for a continuing offence, a further 400 penalty units for each day the offence continues.	35 36
(2) In this section—	37
<i>exempt person</i> means the following—	38
(a) a person to whom the regulator has granted an exemption,	39
(b) a person who relies on an exemption.	40

	<i>exemption</i> means an exemption from a provision of this Act or the regulations, whether provided for by this Act or the regulations or granted by the regulator.	1 2
	<i>prescribed record</i> means a record or other document required under an exemption to be prepared or kept.	3 4
[21]	Section 68 Regulations	5
	Insert after section 68(2)(d)—	6
	(d1) a scheme for the purpose of certifying, testing, assessing or accrediting items,	7 8
	(d2) imposing requirements about the making, keeping and inspection of records or other documents for the purposes of this Act or the regulations or in relation to an exemption granted under this Act or the regulations,	9 10 11 12
[22]	Section 68(3)–(5)	13
	Omit the subsections.	14
	Insert instead—	15
	(3) A regulation may exempt, or make further provision about the exemption of, a person, matter or thing from the operation of this Act or the regulations or a specified provision of this Act or the regulations, either unconditionally or subject to conditions.	16 17 18 19
	(4) The regulations may create offences punishable by a penalty of no more than—	20 21
	(a) for an individual—200 penalty units, or	22
	(b) otherwise—400 penalty units.	23
	(5) The regulations may apply, adopt or incorporate a publication as in force for the time being or from time to time.	24 25
[23]	Schedule 2 Savings, transitional and other provisions	26
	Insert at the end of the schedule, with appropriate part numbering—	27
	Part Provision consequent on enactment of Environmental Legislation Amendment (Plastic Reduction and Container Recycling) Act 2026	28 29 30
	1 Transitional commencement for offences under Part 4A	31
	(1) An operator of a takeaway business is not required to comply with section 34B, and an offence is not committed against a provision of section 34B for a failure to comply with the provision, before 1 January 2028.	32 33 34
	(2) An operator of a takeaway business is not required to comply with section 34C, and an offence is not committed against a provision of section 34C for a failure to comply with the provision, before 1 December 2030.	35 36 37
[24]	Schedule 4 Dictionary	38
	Omit the definition of <i>compliance notice</i> .	39
	Insert in alphabetical order—	40
	<i>beverage</i> has the same meaning as in Part 4A.	41

	<i>compliance notice</i> means a notice given by the regulator under section 36 or 36A, including a stop notice under the relevant section and a notice that varies a compliance notice.	1
	<i>food</i> , for Part 4A—see section 34A(1).	2
	<i>operator</i> , of a takeaway business, has the same meaning as in Part 4A.	3
	<i>premises</i> , for Part 4A—see section 34A(1).	4
	<i>publication</i> means a document that is published.	5
	<i>reusable cup</i> has the same meaning as in Part 4A.	6
	<i>reuse scheme</i> , for Part 4A—see section 34A(1).	7
	<i>reuse scheme reusable cup</i> has the same meaning as in Part 4A.	8
	<i>sell</i> , for Part 4A—see section 34A(1).	9
	<i>takeaway business</i> has the same meaning as in Part 4A.	10
[25]	Schedule 4, definitions of “compliance cost notice”, “notice” and “stop notice”	13
	Omit “for Part 5” wherever occurring.	14
	Insert instead “for Part 5, Division 2”.	15
[26]	Schedule 4, definition of “plastic”, paragraph (a)	16
	Omit “from plant extracts or fossil fuels”.	17
	Insert instead “from biological or fossil origins”.	18
[27]	Schedule 4, definition of “single-use”, paragraph (a)	19
	Omit “used only once”.	20
	Insert instead “used once or a limited number of times”.	21

Schedule 5	Amendment of Product Lifecycle Responsibility Act 2025 No 22	1
		2
[1]	Section 40 Offence—false or misleading information given by brand owner or product stewardship organisation	3
		4
	Omit “must not give, whether by act or omission,” from section 40(1).	5
	Insert instead “must not, by act or omission, give or cause or permit to be given”.	6
[2]	Section 40(1)	7
	Omit “a matter under Part 2 or 3”.	8
	Insert instead “a relevant matter”.	9
[3]	Section 40(2)	10
	Insert in alphabetical order—	11
	<i>relevant matter</i> means a matter under Part 2 or 3, including a matter exempt from Part 2 or 3.	12
		13
[4]	Schedule 2 Amendment of other legislation	14
	Insert after Schedule 2.2[2]—	15
[2A]	Sections 51 and 57	16
	Omit the sections.	17

Schedule 6	Amendment of Protection of the Environment Operations Act 1997 No 156	1
		2
[1] Section 91AA Ancillary directions		3
	Insert “or EPA” after “appropriate regulatory authority” wherever occurring in section 91AA(1)–(3).	4
		5
[2] Section 94M Recall cost notices		6
	Omit “recall cost notice” from section 94M(1A).	7
	Insert instead “recall notice”.	8
[3] Section 104 Compliance cost notices		9
	Insert “, or the EPA if the EPA gives,” after “authority that gives” in section 104(1).	10
[4] Section 104(1)		11
	Insert “or EPA” after “the authority”.	12
[5] Section 104(5)		13
	Insert “or EPA” after “the appropriate regulatory authority”.	14
[6] Section 104(5)		15
	Omit “associated matter”.	16
	Insert instead “associated or incidental matter”.	17
[7] Section 146C Offence to cause or ask person to commit offence		18
	Omit “section 146A or 146B”.	19
	Insert instead “section 146A, 146B, 146E(1) or 146E(2)”.	20
[8] Section 146C, penalty		21
	Omit the penalty.	22
	Insert instead—	23
	Maximum penalty—	24
	(a) in relation to section 146A or 146B—	25
	(i) for a corporation—30 penalty units, or	26
	(ii) for an individual—7 penalty units, or	27
	(b) in relation to section 146E(2)—	28
	(i) for a corporation—55 penalty units, or	29
	(ii) for an individual—33 penalty units, or	30
	(c) in relation to section 146E(1)—10 penalty units.	31
[9] Section 146E		32
	Omit the section.	33
	Insert instead—	34
146E Restrictions on release of lighter-than-air balloons		35
	(1) A person must not release a lighter-than-air balloon.	36
	Maximum penalty—10 penalty units.	37

(2)	A person must not release 100 or more lighter-than-air balloons at or about the same time.	1
	Maximum penalty—	2
	(a) for a corporation—55 penalty units, or	3
	(b) for an individual—33 penalty units.	4
(3)	Subsections (1) and (2) do not apply to the release of a lighter-than-air balloon if—	5
	(a) the release is unintentional and without negligence, or	6
	(b) the release is inside a building or structure and the balloon does not make its way into the open air, or	7
	(c) the balloon is a hot air balloon that is recovered after landing, or	8
	(d) the balloon is released for a scientific, including meteorological, purpose.	9
(4)	If the court is satisfied that a person charged with an offence under subsection (2) is not guilty of the offence but is satisfied on the evidence that the person is guilty of an offence under subsection (1), the court may find the person guilty of the offence under subsection (1) and the person is liable to punishment accordingly.	10
(5)	In proceedings under this section—	11
	(a) it is not necessary for the prosecution to establish the exact number of lighter-than-air balloons released, and	12
	(b) evidence that a balloon rose in the air after being released is, in the absence of evidence to the contrary, evidence that the balloon was a lighter-than air balloon.	13
(6)	In this section—	14
	<i>lighter-than-air balloon</i> means a balloon that is inflated with a gas that causes the balloon to rise in the air.	15
[10]	Section 216 Time within which summary proceedings may be commenced	16
	Insert after section 216(6), definition of <i>prescribed offence</i> , paragraph (c8)—	17
	(c9) an offence under the <i>Waste Avoidance and Resource Recovery Act 2001</i> , section 44 or 47, or	18
[11]	Section 256 Onus of proof of certain matters	19
	Omit “146E (4)” from section 256(2).	20
	Insert instead “146E(3)”.	21
[12]	Section 267B Compliance costs	22
	Omit “associated matter” from section 267B(1A).	23
	Insert instead “associated or incidental matter”.	24
[13]	Section 267B(1A)	25
	Omit “compliance cost notice”.	26
	Insert instead “noise control notice”.	27
[14]	Section 286	28
	Omit the section.	29

Insert instead—	1
286 Exemptions by regulation	2
(1) The regulations may exempt, or provide for the exemption of, a relevant matter from a specified provision of this Act or the regulations in any circumstances and subject to any conditions as may be specified or referred to in the regulations.	3 4 5 6
(2) Without limiting subsection (1), the regulations may make provision for the following—	7 8
(a) the grant of an exemption by the EPA, with or without conditions, whether on application or on the EPA’s own initiative,	9 10
(b) the variation, revocation, suspension or surrender of an exemption granted by the EPA or another kind of exemption under this Act or the regulations, with or without conditions, whether on application or on the EPA’s own initiative,	11 12 13 14
(c) an application for or in relation to an exemption granted by the EPA or another kind of exemption under this Act or the regulations,	15 16
(d) the imposition of a fee, or the waiver or refund of a fee, by the EPA for or in relation to an exemption granted by the EPA or another kind of exemption under this Act or the regulations.	17 18 19
(3) The power to make regulations under this section is not limited by section 284.	20
(4) In this section—	21
<i>relevant matter</i> means—	22
(a) a person or class of persons, or	23
(b) premises or a class of premises, or	24
(c) an area or class of areas, or	25
(d) an activity or class of activities, or	26
(e) another matter or thing or class of matters or things.	27
[15] Section 319 Disclosure of information	28
Omit section 319(b).	29
Insert instead—	30
(b) in connection with the administration or execution of environment protection legislation, or	31 32
[16] Section 319(d) and (d1)	33
Omit section 319(d).	34
Insert instead—	35
(d) to another government sector agency, or	36
(d1) to an agency of the Commonwealth or another State or Territory—	37
(i) involved in the administration or execution of a law of the Commonwealth or the other State or Territory relating to the environment, or	38 39 40
(ii) prescribed by the regulations, or	41
[17] Section 319(h) and (i)	42
Omit section 319(h).	43

Insert instead—	1
(h) in the circumstances prescribed by the regulations, or	2
(i) with another lawful excuse.	3
[18] Section 319(2)	4
Insert at the end of the section—	5
(2) In this section—	6
<i>government sector agency</i> means the following—	7
(a) a government sector agency within the meaning of the <i>Government Sector Employment Act 2013</i> ,	8
(b) a public authority prescribed by the regulations.	9
[19] Section 323 Regulations	11
Omit section 323(2).	12
Insert instead—	13
(2) In particular, the regulations may make provision—	14
(a) for or in relation to the matters set out in Schedule 2, or	15
(b) for a matter set out in Schedule 2 to be, from time to time, determined, applied, regulated or otherwise dealt with by the EPA.	16
[20] Section 323(8)	18
Insert after section 323(7)—	19
(8) In this section—	20
<i>dealt with</i> includes approved, authorised, carried out, decided, permitted, refused, required and made the subject of a direction.	21
[21] Schedule 2 Regulation-making powers	23
Insert “, immobilisation” after “re-use” in clause 5(3).	24
[22] Schedule 2, clause 5(6A)–(6D)	25
Insert after clause 5(6)—	26
(6A) The approval by the EPA, whether on application or on the EPA’s own initiative, with or without conditions, for a person or class of persons in relation to matters under this clause, including the immobilisation of waste.	27
(6B) The variation, revocation, suspension or surrender of an approval granted by the EPA, including a condition of the approval.	28
(6C) Fees, or the waiver or refund of fees, for an approval granted by the EPA or other matters relating to the approval.	29
(6D) The determination or estimation by the EPA of the quantity of waste in any circumstances.	30
[23] Schedule 2, clause 10A	31
Insert at the end of the clause—	32
(2) Fees for the administrative costs of giving effect to, and enforcing compliance with, the national environment protection measures.	33
	34
	35
	36
	37
	38
	39

[24] Schedule 5 Savings, transitional and other provisions	1
Insert at the end of the schedule, with appropriate part numbering—	2
Part Provisions consequent on enactment of Environmental Legislation Amendment (Plastic Reduction and Container Recycling) Act 2026	3
	4
	5
1 Definition	6
In this part—	7
<i>amendment Act</i> means the <i>Environmental Legislation Amendment (Plastic Reduction and Container Recycling) Act 2026</i> .	8
	9
2 Ancillary directions	10
The amendment made by the amendment Act, Schedule 2[1] extends in relation to a clean-up notice given to a person by the EPA before the commencement of this part.	11
	12
	13
3 Recovery of costs	14
(1) The amendments made by the amendment Act, Schedule 6[2]–[6], [12] and [13] extend to costs and expenses incurred by the EPA, an appropriate regulatory authority or a public authority before the commencement of this part.	15
	16
	17
	18
(2) The amendments made by the amendment Act, Schedule 2[3], in relation to Schedule 9[29], and [5] extend to costs and expenses incurred by the EPA or an appropriate regulatory authority before the commencement of the <i>Environmental Legislation Amendment Act 2025</i> , Schedule 9[29].	19
	20
	21
	22

Schedule 7	Amendment of Waste Avoidance and Resource Recovery Act 2001 No 58	1
		2
[1] Section 7		3
Insert after section 6—		4
7 Delegation of functions		5
The EPA may delegate one or more of the EPA’s functions under this Act, other than this power of delegation, to—		6
(a) a member of staff of the EPA, or		7
(b) a person of a class prescribed by the regulations.		8
[2] Section 19 Objects of Part		10
Omit “containers.” from section 19(1)(b).		11
Insert instead—		12
containers,		13
(c) to promote and support the principles of a circular economy.		14
[3] Section 19(3)		15
Insert after section 19(2)—		16
(3) In this section—		17
<i>principles of a circular economy</i> include the following principles—		18
(a) valuing resources and minimising the use of virgin materials by ensuring materials continue to circulate in the economy in a way that—		19
(i) minimises the risk of harm to human health and the environment, and		20
(ii) considers the waste hierarchy,		21
(b) keeping resources in use and designing out waste, pollution and resource inefficiency, including through innovative systems, technologies and business models,		22
(c) the ecologically sustainable and regenerative management of resources and systems.		23
<i>waste hierarchy</i> means the hierarchy set out in section 3(b).		24
[4] Section 20 Definitions		25
Omit the definition of <i>domestic waste management services</i> .		26
[5] Section 20, definition of “material recovery facility operator”, paragraph (a)		27
Omit “domestic” wherever occurring.		28
[6] Section 20		29
Insert in alphabetical order—		30
<i>export rebates</i> has the same meaning as in section 28A(1).		31
<i>exporter</i> , in relation to a beverage in a container, means a person who has—		32
(a) acquired the beverage in a container in the State, whether or not the acquisition was a first supply in the State, and		33
(b) supplied the beverage in the container outside the State.		34

	<i>processing refunds agreement</i> has the same meaning as in section 28(1A).	1
[7]	Section 20, definition of “supply”	2
	Omit the definition.	3
	Insert instead—	4
	<i>supply</i> —see section 22A.	5
[8]	Section 22A	6
	Insert after section 22—	7
22A	Meaning of “supply”	8
	(1) In this part—	9
	<i>supply</i> , of a beverage in a container, means a supply, by sale or otherwise, while carrying on a business, but does not include a supply excluded from the operation of this part by the regulations.	10 11 12
	(2) The regulations may provide for circumstances in which a supply of a beverage in a container—	13 14
	(a) is taken to be the first supply in the State of the beverage in the container, or	15 16
	(b) is taken not to be the first supply in the State of the beverage in the container.	17 18
	(3) Without limiting subsection (2), the circumstances may include where a person has entered into an agreement with another person about who is to be taken to be the person who first supplies specified beverages in containers in the State.	19 20 21 22
[9]	Section 26 Approval of certain Scheme arrangements	23
	Insert “or a supply arrangement” after “network arrangement” in section 26(1).	24
[10]	Section 28 Payment of refund amounts to material recovery facility operators	25
	Insert after section 28(1)—	26
	(1A) The Scheme Coordinator must not make a processing refunds payment unless the Scheme Coordinator and the material recovery facility operator have entered into an agreement about payments of processing refunds to the material recovery facility operator (a <i>processing refunds agreement</i>).	27 28 29 30
	(1B) The regulations may prescribe the following—	31
	(a) the form of a processing refunds agreement,	32
	(b) provisions that must be set out in a processing refunds agreement.	33
[11]	Section 28(9) and (10)	34
	Insert after section 28(8)—	35
	(9) To avoid doubt, this section extends to material recovery facility operators outside the State that process containers collected inside the State.	36 37
	(10) For subsection (9), the processing refunds agreement between the Scheme Coordinator and the material recovery facility operator must require the material recovery facility operator—	38 39 40
	(a) to comply with this Act, the regulations and the processing refund protocol, and	41 42

	(b) to permit the EPA and the Scheme Coordinator to carry out inspections and audits of the material recovery facility operator in relation to the processing of containers collected inside the State.	1 2 3
[12]	Section 28A	4
	Insert after section 28—	5
	28A Payment of refund amounts to exporters	6
	(1) A Scheme Coordinator agreement may require the Scheme Coordinator to pay to an exporter rebate amounts (<i>export rebates</i>) for beverages in containers that are—	7 8 9
	(a) acquired in the State, whether or not the acquisition was a first supply in the State, and	10 11
	(b) supplied outside the State.	12
	(2) The EPA may, by order published in the Gazette, issue a protocol (an <i>export rebate protocol</i>) to be applied in determining the amounts payable to exporters as export rebates under a Scheme Coordinator agreement.	13 14 15
	(3) Without limiting subsection (2), an export rebate protocol may set out the means for determining the estimated number of containers supplied by the person outside the State, including by the use of audit or monitoring programs.	16 17 18
	(4) Section 28(4)–(8) apply under this section as if the references to a material recovery facility operator, a processing refund and a processing refund protocol were references to an exporter, an export rebate and an export rebate protocol, respectively.	19 20 21 22
[13]	Section 29 Inconsistent provisions void	23
	Insert after section 29(4)—	24
	(5) A provision of a processing refunds agreement is, except as provided by the regulations, void to the extent that it is inconsistent with—	25 26
	(a) a provision of Division 3, or	27
	(b) a regulation made under section 28.	28
[14]	Section 32	29
	Omit the section.	30
	Insert instead—	31
	32 Term of Scheme Coordinator agreement and network operator agreement	32
	The total term of a Scheme Coordinator agreement and a network operator agreement, being an initial term with any extensions, must not be more than 20 years.	33 34 35
[15]	Section 35 Reports by Scheme Coordinator	36
	Omit section 35(1)(a).	37
	Insert instead—	38
	(a) the performance of the Scheme,	39
[16]	Section 38, heading	40
	Omit the heading.	41

Insert instead—	1
38 Requirement for supply arrangements and container approvals	2
[17] Section 38(1), penalty	3
Omit the penalty.	4
Insert instead—	5
Maximum penalty—	6
(a) for an individual—1,000 penalty units, or	7
(b) otherwise—4,000 penalty units.	8
[18] Section 39	9
Omit the section.	10
Insert instead—	11
39 Requirements for refund markings, barcodes and opening mechanisms	12
(1) A supplier must not supply or offer to supply a beverage in a container to a person unless the container bears a refund marking.	13
Maximum penalty—	14
(a) for an individual—1,000 penalty units, or	15
(b) otherwise—4,000 penalty units.	16
(2) A supplier must not supply or offer to supply a beverage in a container to a person unless the container bears the prescribed barcode for the container or the class of containers to which the container belongs.	17
Maximum penalty—	18
(a) for an individual—1,000 penalty units, or	19
(b) otherwise—4,000 penalty units.	20
(3) A supplier must not supply or offer to supply a beverage in a container to a person if the container has a prohibited opening mechanism, being an opening mechanism prescribed for the container, or the class of containers to which the container belongs, for this section.	21
Maximum penalty—	22
(a) for an individual—1,000 penalty units, or	23
(b) otherwise—4,000 penalty units.	24
[19] Section 40 Container approvals	25
Omit “the fee” from section 40(2)(c).	26
Insert instead “any fee”.	27
[20] Section 40(3)	28
Omit “The approval is subject to any conditions prescribed by the regulations or specified in the approval.”.	29
[21] Section 40(3A)	30
Insert after section 40(3)—	31
(3A) The approval is subject to the following conditions—	32
(a) conditions prescribed by the regulations,	33
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	(b) conditions specified in the approval,	1
	(c) conditions imposed on the approval by the EPA at any time.	2
[22]	Section 40(4)(b1) and (b2)	3
	Insert after section 40(4)(b)—	4
	(b1) for containers of the class to which the application relates—if, in the EPA’s opinion, the opening mechanism for the containers does not comply with any requirements prescribed by the regulations, or	5 6 7
	(b2) if the containers of the class to which the application relates do not bear the prescribed barcode for the class, or	8 9
[23]	Section 40(7A) and (7B)	10
	Insert after section 40(7)—	11
	(7A) In determining whether the 28-day period has passed, a period between the following dates must be disregarded—	12 13
	(a) the date when an applicant is asked by the EPA to provide further information or to take other action to enable the application to be determined,	14 15 16
	(b) the date when the information is provided or action taken.	17
	(7B) The regulations may provide that other periods of time must not be taken into consideration in determining whether the 28-day period has passed.	18 19
[24]	Section 40(8), penalty	20
	Omit the penalty.	21
	Insert instead—	22
	Maximum penalty—	23
	(a) for an individual—50 penalty units, or	24
	(b) otherwise—200 penalty units.	25
[25]	Section 42 Refund amounts payable by collection point operators	26
	Omit section 42(1), penalty.	27
	Insert instead—	28
	Maximum penalty—	29
	(a) for an individual—50 penalty units, or	30
	(b) otherwise—100 penalty units.	31
[26]	Section 42(2)(b)(iv)	32
	Omit the subparagraph.	33
	Insert instead—	34
	(iv) that—	35
	(A) the container has previously been processed for reuse or recycling by a material recovery facility operator in the State or by a corresponding person in a jurisdiction in which a corresponding law is in force, and	36 37 38 39
	(B) a payment has been made, or is required to be made, in relation to the container to the operator or person under the Scheme or the scheme under the corresponding law, or	40 41 42

[27] Section 43 Refund declarations and proof of identity	1
Insert at the end of section 43(3)—	2
Maximum penalty—40 penalty units.	3
[28] Section 43(5)	4
Omit “, and proof of identity documentation provided to,”.	5
[29] Section 43(5), penalty	6
Insert “for subsection (5)” after “Maximum penalty”.	7
[30] Section 44	8
Omit the section.	9
Insert instead—	10
44 Offence—false claims for refunds	11
(1) A person must not present an item to a collection point for a refund amount payment if the person knows, or ought reasonably to know, the refund amount is not payable for the item.	12
Maximum penalty—	13
(a) for an individual—1,000 penalty units, or	14
(b) otherwise—4,000 penalty units.	15
(2) A person must not interfere or tamper with a device for the purpose of obtaining a refund amount payment under the Scheme if the person knows, or ought reasonably to know, the refund amount is not payable in the circumstances.	16
Maximum penalty—	17
(a) for an individual—1,000 penalty units, or	18
(b) otherwise—4,000 penalty units.	19
(3) A person must not issue to a Scheme administrator an invoice or other statement claiming a refund amount or export rebate payment by the Scheme administrator under a Scheme arrangement if the person knows, or ought reasonably to know, the refund amount or export rebate is not payable for the invoice or statement.	20
Maximum penalty—	21
(a) for an individual—1,000 penalty units, or	22
(b) otherwise—4,000 penalty units.	23
(4) Without limiting the reasons why a refund amount or export rebate is not payable, a refund amount or export rebate is not payable under this section—	24
(a) for a container that was not acquired in the State or in a jurisdiction in which a corresponding law is in force, or	25
(b) for a container that has not been filled with a beverage and sealed, or	26
(c) if—	27
(i) the item is a container that has previously been processed for reuse or recycling by a material recovery facility operator in the State or by a corresponding person in a jurisdiction in which a corresponding law is in force, and	28
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	(ii) a payment has been made, or is required to be made, in relation to the container to the operator or person under the Scheme or the scheme under the corresponding law, or	1 2 3
	(d) for a container if a refund amount has previously been paid for the container at a collection point, or	4 5
	(e) in other circumstances prescribed by the regulations.	6
(5)	The regulations may create further offences about items presented to collection points for the purpose of claiming refund amounts.	7 8
(6)	In this section— <i>item</i> includes a container. <i>Scheme administrator</i> means a network operator or Scheme Coordinator.	9 10 11
[31]	Section 45 Competition exemption	12
	Omit “and any Scheme arrangement” from section 45(1)(a).	13
	Insert instead “, Scheme arrangement and processing refunds agreement”.	14
[32]	Section 45(1)(b) and (c)	15
	Omit “or Scheme arrangement” wherever occurring.	16
	Insert instead “, Scheme arrangement or processing refunds agreement”.	17
[33]	Section 45(1)(e)	18
	Insert “, processing refunds agreement” after “Scheme arrangement”.	19
[34]	Section 47 False or misleading information	20
	Omit section 47(a).	21
	Insert instead—	22
	(a) in connection with a claim for payment under the Scheme, or	23
[35]	Section 47, penalty	24
	Omit the penalty.	25
	Insert instead—	26
	Maximum penalty—	27
	(a) for an individual—1,000 penalty units, or	28
	(b) otherwise—4,000 penalty units.	29
[36]	Section 54A Liability of directors etc for offences by corporation—offences attracting executive liability generally	30 31
	Omit section 54A(1)(b).	32
	Insert instead—	33
	(b) section 44(3),	34
[37]	Section 56 Regulations	35
	Omit section 56(2)(a) and (b).	36
	Insert instead—	37
	(a) 200 penalty units for an individual, or	38
	(b) 400 penalty units for other cases.	39

[38] Section 56A	1
Insert after section 56—	2
56A Exemptions by regulation	3
(1) The regulations may exempt, or provide for the exemption of, the following from a specified provision or provisions of this Act or the regulations, in the circumstances and subject to the conditions specified or referred to in the regulations—	4
(a) a person or class of persons,	5
(b) premises or a class of premises,	6
(c) an area or class of areas,	7
(d) an activity or class of activities,	8
(e) another matter or thing or class of matters or things.	9
(2) Without limiting subsection (1), the regulations may make provision for the following—	10
(a) the grant of exemptions by the EPA with or without conditions, whether on application or on the EPA’s own initiative,	11
(b) the variation, revocation or suspension of exemptions by the EPA with or without conditions, whether on application or on the EPA’s own initiative,	12
(c) the surrender of exemptions to the EPA,	13
(d) applications relating to exemptions,	14
(e) the imposition of fees by the EPA relating to exemptions,	15
(f) the waiver and refund of fees by the EPA for fees relating to exemptions.	16
[39] Schedule 4 Savings, transitional and other provisions	17
Insert at the end of the schedule, with appropriate part numbering—	18
Part Provisions consequent on enactment of Environmental Legislation Amendment (Plastic Reduction and Container Recycling) Act 2026	19
1 Processing refund payments	20
Section 28(1A) does not apply to a processing refund payment for containers collected and processed before the commencement of the subsection.	21
2 Conditions on existing container approvals	22
A condition may be prescribed under section 40(3A)(a) for, or imposed under section 40(3A)(c) on, a container approval that is in force on the commencement of the subsection.	23

3 Exception to deemed refusal of application for container approval

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Section 40(7A) and (7B) extend to an application made, and a request by the EPA to provide further information or to take other action made, before the commencement of the subsections.

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