

Waste Avoidance and Resource Recovery (Container Recovery) Bill 2008

Explanatory note

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

Overview of Bill

The object of this Bill is to ensure that, if the targets for recycling of certain packaging established by the National Packaging Covenant (2005) are not met, a beverage container deposit scheme that provides for the payment of refunds on certain beverage containers will come into force. The Bill sets out the details of that scheme, which is funded by a proposed beverage container tax (see the *Beverage Container Tax Bill 2008*).

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 on the date of assent to the proposed Act.

Clause 3 is a formal provision that gives effect to the amendment to the *Waste Avoidance and Resource Recovery Act 2001* set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after the amendment made by the proposed Act has commenced. Once the amendment has commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendment

Schedule 1 inserts a new Part establishing a beverage container deposit scheme, as follows:

Part 4A Beverage container deposit scheme

Division 1 Definitions

Proposed section 18A defines words and expressions used in the proposed Part.

Division 2 Introduction of beverage container deposit scheme

Proposed section 18B provides that the proposed Part applies to beverage containers made wholly or mainly of a relevant material (namely paper or cardboard, glass, steel, aluminium or plastic) only if the Minister has declared under proposed section 18C or 18D that the Part applies to containers made wholly or partly of that material.

Proposed section 18C sets out the circumstances in which the Minister, following the 2008 review required by the National Packaging Covenant, must make a declaration that the proposed Part applies to beverage containers made of a relevant material. The Minister must make the declaration if the target for recycling of the particular relevant material has not been substantially achieved (that is, at least 75%

of the additional quantity of the material scheduled to be recycled under new targets is being recycled) or it appears to the Minister that the target will not be met by 2010.

Proposed section 18D sets out the circumstances in which, after the National Packaging Covenant expires on 30 June 2010, the Minister must make a declaration that the proposed Part applies to beverage containers made wholly or partly of a particular material. This will be the case if the target for recycling packaging of the particular material has not been met.

Division 3 Labelling of beverage containers

Proposed section 18E requires every beverage container to be labelled as refundable.

Proposed section 18F provides that the regulations may impose further requirements relating to the labelling of beverage containers.

Division 4 Establishment or approval of collection depots

Proposed section 18G provides that the Minister may establish, or approve the establishment of, collection depots for the collection of empty beverage containers, including council depots and community centres or community based facilities.

Division 5 Refund scheme

Proposed section 18H provides that a person who accepts the return of an unbroken empty beverage container at a collection depot must pay the person who returns it the amount of the refund value.

Proposed section 18I requires collection depots to report to the Minister on refunds paid.

Division 6 Reimbursement of collection depots

Proposed section 18J requires the Scheme Administrator to pay to each collection depot each month, from the Central Account, the sum of the total amount of refund value paid by the collection depot over the previous calendar month and the processing fee prescribed by the regulations.

Division 7 Distribution of unredeemed deposits

Proposed section 18K provides for the distribution and use of unredeemed deposits (that is, of beverage container tax that has not been paid out to reimburse collection depots for refunds paid).

Division 8 Administration and management of scheme

Proposed section 18L provides for the appointment of a Scheme Administrator to oversee the operation of the proposed Part and exercise other functions.

Proposed section 18M constitutes a Container Deposit Management Committee, the functions of which include the provision of advice to the Minister on the operation of the proposed Part.

Division 9 Central Account

Proposed section 18N establishes a fund to be known as the Beverage Container Deposit Scheme Central Account.

Proposed section 18O provides for the administration and management of that account.

Proposed section 18P provides for the making of payments into that account.

Proposed section 18Q provides for the making of payments from that account.

Proposed section 18R provides for the investment of money in that account.

Division 10 Barcoding of beverage containers

Proposed section 18S requires a person who imports or produces a beverage container to supply the Management Committee with details of any barcode affixed to the beverage container.