

2018

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**Waste Management and Resource Recovery
Amendment Bill 2018**

EXPLANATORY STATEMENT

Presented by
Meegan Fitzharris MLA
Minister for Transport and City Services

Waste Management and Resource Recovery Amendment Bill 2018

Introduction

This explanatory statement relates to the *Waste Management and Resource Recovery Amendment Bill 2018* (the Bill) as presented to the Legislative Assembly. It has been prepared to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the ACT Legislative Assembly.

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

The purpose of this Bill is to amend the *Waste Management and Resource Recovery Act 2017*.

Overview of the Bill

The *Waste Management and Resource Recovery Amendment Act 2017* was notified on 9 November 2017. This Act establishes the legal framework for the Territory to establish a container deposit scheme where the community can return eligible, empty beverage containers for a 10 cent refund. The scheme is designed to reduce litter and increase recycling of empty beverage containers. The scheme will commence in 2018.

The Territory's container deposit scheme requires beverage suppliers to print refund markings on eligible beverage containers and pay a contribution into the scheme to provide for a 10 cent refund to consumers on empty containers.

Beverage containers are currently marked as eligible for a 10 cent refund under the operating South Australian and Northern Territory schemes. All jurisdictions have agreed, after consultation, on a common refund marking which will apply across all Australian container deposit schemes:

“10c refund at collection depots/points in participating State/Territory of purchase”

Due to the change in container labelling requirements, a deferral of the requirement to print the common refund marking on eligible beverage containers is proposed for two years from the introduction of the Territory's container deposit scheme to allow beverage suppliers sufficient time to adjust.

A two year transition period to the common refund marking will allow time for beverage suppliers to change container labels and use up existing stock with the SA/NT refund marking. This two year transition period has been agreed to by all Australian CDS legislated jurisdictions.

Currently, the *Waste Management and Resource Recovery Act 2017* is due to commence at the latest on 9 November 2018, when any uncommenced provisions in the Act must automatically commence (*Legislation Act* s79).

This would mean the Territory's refund marking requirements would commence prior to NSW and put beverage suppliers in breach of the refund marking requirement before the end of the two year transition period.

This Bill provides for a minor amendment to the commencement provisions in the Act to permit a later date for the commencement of the refund marking requirement, allowing at least two years from the scheme commencement date.

Summary of clauses – Waste Management and Resource Recovery Amendment Bill 2018

Clause 1 - Name of Bill – provides that the name of the Bill regulation is the *Waste Management and Resource Recovery Amendment Bill 2018*.

Clause 2 - Commencement – provides that the Bill would commence on the day after its notification.

Clause 3 - Legislation amended – provides that the Bill amends the *Waste Management and Resource Recovery Act 2017*.

Clause 4 - Amendment – provides that section 64X of the Act, which creates the offence of failing to display the refund marking on containers subject to the scheme, can be commenced by written notice by the Minister, at any time up until 30 June 2020.

The commencement provisions for the remainder of the Act will not change. The remainder of the Act (except for section 64X) can be commenced by written notice by the Minister or will automatically commence 12 months after its notification date of 9 November 2017.

Human rights

The Bill does not have human rights implications.