

WASTE REDUCTION AND RECYCLING AMENDMENT BILL 2017

ERRATUM TO EXPLANATORY NOTES

Title of the Bill

Waste Reduction and Recycling Amendment Bill 2017

Reason for Erratum

1. To provide clarification in relation to the application and intent of s99ZC (When container refund point operator must not claim payment)

During discussions with key stakeholders a request was made to clarify the intended operation of s99ZC in relation to not-for-profit organisations who may operate container refund points. The section states that the operator of a container refund point must not claim payment of a refund amount from the Product Responsibility Organisation under a container collection agreement if the operator has not paid a refund amount for the container. There are many instances where members of the public and companies may wish to donate their empty eligible containers at a container refund point run by a not-for-profit organisation instead of receiving the benefit of the 10c themselves.

In some cases the entity that runs the container refund point may also have container collection (or donation) points that are remote to the container refund point. In this case containers from these donation points are brought to the container refund point for consolidation.

It is the intention of the scheme to allow a not-for-profit organisation operating a container refund point to 'pay itself' the refund amount for any donated containers. The not-for-profit organisation can then make the claim for the refund from the Product Responsibility Organisation. At the request of stakeholders the explanatory notes have been amended to make it clear this is intent of the proposed provisions.

2. To correct a typographical error

The Bill defines several sections as prescribed provisions for the purposes of show cause and compliance notices. There is an error in the relation to one of the sections to which this definition applies and the erratum will amend this error.

Notes on Provisions

On page 21 in relation to section 99ZC(1)(a) an example to clarify the application and intent of this section is to be inserted.

For s99ZC(1) insert before the words—

‘The above does not apply in relation to...’

For example, if a charitable organisation operates a container refund point and also receives donated containers as long as a refund amount is paid to a person (which can be the charitable organisation itself) then the charitable organisation as the container refund point operator can claim a refund payment for the containers that were also donated to the organisation.

Section 32D of the *Acts Interpretation Act 1954* states that a reference to a person generally includes a reference to a corporation as well as an individual. This could be a body corporate, company and sole corporation.

Nothing prevents the organisation operating the container refund point from paying themselves for the donated containers as long as the organisation can clearly demonstrate that this payment has been made. This means that the organisation may make a refund amount claim for these containers as well as the containers where a refund has been paid to members of the public.

Clause 30 on pg 53 inserts definitions for the following prescribed provision s99Q(3), s99ZB(3), s99ZH(3) and s99M(1) which relate to show cause notices and compliance notices if the chief executive believes a prescribed provision has been contravened.

A typographical error was made in relation to the reference to s99M(1).

On pg 53, omit—

s99M(1) and replace with 99ZM(1).