



Queensland

Waste Reduction and Recycling (Expansion of Container Refund Scheme) Amendment Regulation 2023

Subordinate Legislation 2023 No. 106

made under the

Waste Reduction and Recycling Act 2011

Contents

		Page
1	Short title	3
2	Regulation amended	3
3	Amendment of s 15 (Excluded containers—Act, s 99M)	3
4	Replacement of ss 17 and 18	3
	17 Standard terms for container recovery agreements—Act, s 99Q	4
5	Amendment of s 48 (Transition period for displaying refund marking on beverage containers—Act, s 308)	4
6	Insertion of new pt 8	4
	Part 8 Transitional provisions for Waste Reduction and Recycling (Expansion of Container Refund Scheme) Amendment Regulation 2023	
	49 Definition for part	5
	50 Refund amount for relevant beverage containers for period from commencement to 31 October 2023—Act, s 99K	5
	51 Transition period for displaying refund marking on relevant beverage containers—Act, s 308	5
7	Insertion of new sch 4B	6
	Schedule 4B Standard terms for container recovery agreements	6
	Part 1 Container recovery agreements generally	
	1 Purpose of part	6

Waste Reduction and Recycling (Expansion of Container Refund Scheme) Amendment
Regulation 2023

Contents

2	Scheme contribution amounts	6
Part 2	Small beverage manufacturers other than relevant beverage manufacturers	
3	Purpose of part	7
4	Elections about scheme contribution amounts	7
5	Scheme contribution amounts in absence of election	7
Part 3	Small beverage manufacturers that are relevant beverage manufacturers	
6	Purpose of part	8
7	Elections about scheme contribution amounts	8
8	Scheme contribution amounts in absence of election	9
9	Returns stating particular sold beverage products . .	9
10	Elections about returns under s 9	10
8	Amendment of sch 9 (Dictionary)	10

1 Short title

This regulation may be cited as the *Waste Reduction and Recycling (Expansion of Container Refund Scheme) Amendment Regulation 2023*.

2 Regulation amended

This regulation amends the *Waste Reduction and Recycling Regulation 2011*.

3 Amendment of s 15 (Excluded containers—Act, s 99M)

(1) Section 15(1)(b)—

omit.

(2) Section 15(1)(d)(ii), from ‘of’—

omit, insert—

of—

(A) wine; or

(B) a wine-based beverage that contains ethyl alcohol (ethanol) of at least 10% by volume;
or

(C) water;

(3) Section 15(1)(c) to (e)—

renumber as section 15(1)(b) to (d).

(4) Section 15(2)—

omit.

4 Replacement of ss 17 and 18

Sections 17 and 18—

omit, insert—

17 Standard terms for container recovery agreements—Act, s 99Q

For section 99Q(5) of the Act—

- (a) the standard term stated in schedule 4B, part 1 is prescribed for all container recovery agreements between the Organisation and the manufacturer of a beverage product; and
- (b) the standard terms stated in schedule 4B, part 2 are prescribed for a container recovery agreement between the Organisation and a small beverage manufacturer, other than a small beverage manufacturer that is a relevant beverage manufacturer; and
- (c) the standard terms stated in schedule 4B, part 3 are prescribed for a container recovery agreement between the Organisation and a small beverage manufacturer that is a relevant beverage manufacturer.

5 Amendment of s 48 (Transition period for displaying refund marking on beverage containers—Act, s 308)

Section 48—

insert—

Note—

See, however, section 51 for the manufacture transition day prescribed in relation to relevant beverage containers.

6 Insertion of new pt 8

After part 7—

insert—

Part 8

Transitional provisions for Waste Reduction and Recycling (Expansion of Container Refund Scheme) Amendment Regulation 2023

49 Definition for part

In this part—

relevant beverage container means a container made to contain a relevant beverage.

50 Refund amount for relevant beverage containers for period from commencement to 31 October 2023—Act, s 99K

- (1) This section applies in relation to a relevant beverage container for the period—
 - (a) starting on the commencement; and
 - (b) ending on 31 October 2023.
- (2) For section 99K of the Act, definition *refund amount*, the refund amount in relation to the relevant beverage container is 0c.
- (3) Subsection (2) applies despite section 12.

51 Transition period for displaying refund marking on relevant beverage containers—Act, s 308

- (1) For section 308(3) of the Act, definition *manufacture transition day*, the day prescribed in relation to a relevant beverage container is 1 January 2027.
- (2) Subsection (1) applies despite section 48.

7 Insertion of new sch 4B

After schedule 4A—

insert—

Schedule 4B Standard terms for container recovery agreements

section 17

Part 1 Container recovery agreements generally

1 Purpose of part

This part states a standard term for a container recovery agreement between the Organisation and the manufacturer of a beverage product.

2 Scheme contribution amounts

(1) A scheme contribution amount for the manufacturer of the beverage product is worked out using the scheme price for the type of container used for the product.

(2) In this section—

scheme price, for a type of container, means the price, expressed in cents, published by the Organisation on its website as the unit price payable by manufacturers of beverage products for a container of that type.

Part 2 Small beverage manufacturers other than relevant beverage manufacturers

3 Purpose of part

Without limiting part 1, this part states standard terms for a container recovery agreement between the Organisation and a small beverage manufacturer, other than a small beverage manufacturer that is a relevant beverage manufacturer.

4 Elections about scheme contribution amounts

The small beverage manufacturer may, by notice given to the Organisation—

- (a) elect to—
 - (i) have the scheme contribution amounts for the small beverage manufacturer worked out for periods of a month; and
 - (ii) pay those amounts monthly; and
- (b) withdraw an election made under paragraph (a).

5 Scheme contribution amounts in absence of election

- (1) This section applies if the small beverage manufacturer—
 - (a) does not make an election under section 4(a); or
 - (b) under section 4(b), withdraws an election made under section 4(a).
- (2) A scheme contribution amount for the small

beverage manufacturer—

- (a) is worked out for a period of not less than a quarter in a financial year; and
- (b) may not be required to be paid more than once in each quarter in a financial year.

Part 3 Small beverage manufacturers that are relevant beverage manufacturers

6 Purpose of part

Without limiting part 1, this part states standard terms for a container recovery agreement between the Organisation and a small beverage manufacturer that is a relevant beverage manufacturer.

7 Elections about scheme contribution amounts

The relevant beverage manufacturer may, by notice given to the Organisation—

- (a) elect to—
 - (i) have the scheme contribution amounts for the relevant beverage manufacturer worked out for periods of a month or a quarter; and
 - (ii) pay those amounts monthly or quarterly; and
- (b) withdraw an election made under paragraph (a).

8 Scheme contribution amounts in absence of election

- (1) This section applies if the relevant beverage manufacturer—
 - (a) does not make an election under section 7(a); or
 - (b) under section 7(b), withdraws an election made under section 7(a).
- (2) A scheme contribution amount for the relevant beverage manufacturer—
 - (a) is worked out for a period of not less than a financial year; and
 - (b) may not be required to be paid more than once in a financial year.

9 Returns stating particular sold beverage products

- (1) After the end of each financial year, the relevant beverage manufacturer must, on or before the return date, give the Organisation a return stating the number of beverage products, filled with a relevant beverage, that were sold in Queensland by the relevant beverage manufacturer during the financial year.
- (2) In this section—

return date, in relation to a return under subsection (1) for a financial year, means—

 - (a) if 21 July in the following financial year is not a business day—the next business day after 21 July in the following financial year; or
 - (b) otherwise—21 July in the following financial year.

Example—

The return date in relation to a return under subsection (1) for the 2023–2024 financial year is Monday, 22 July 2024 because 21 July 2024 is a Sunday.

10 Elections about returns under s 9

The relevant beverage manufacturer may, by notice given to the Organisation—

- (a) elect to give the Organisation 2 or more returns under section 9 relating to separate parts of a financial year for which a return is required; and
- (b) withdraw an election made under paragraph (a).

8 Amendment of sch 9 (Dictionary)

Schedule 9—

insert—

relevant beverage means—

- (a) wine; or
- (b) a spirituous liquid, other than a spirituous liquid mixed with another beverage that is not a spirituous liquid.

relevant beverage manufacturer, in relation to a financial year, means a manufacturer of a beverage product filled with a relevant beverage if the manufacturer manufactures not more than 100,000 of the beverage product for the financial year.

small beverage manufacturer see section 99R(2) of the Act.

wine—

- (a) means a beverage that is made by fermenting grapes, whether or not—

- (i) the beverage is mixed with another beverage made from grapes; or
 - (ii) alcohol has been removed from the beverage; but
- (b) does not include a wine-based beverage.

wine-based beverage means a beverage that is a mixture of wine and another beverage not made from grapes.

ENDNOTES

- 1 Made by the Governor in Council on 17 August 2023.
- 2 Notified on the Queensland legislation website on 18 August 2023.
- 3 The administering agency is the Department of Environment and Science.

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