

Environment Protection Amendment (Container Deposit Scheme) Bill 2018

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Fourth Draft
25/01/2018

**Environment Protection Amendment
(Container Deposit Scheme) Bill 2018**

A Bill for an Act to amend the **Environment Protection Act 1970** to promote the recovery, reuse and recycling of empty beverage containers by establishing a cost effective State-wide container deposit scheme and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The purpose of this Act is to amend the **Environment Protection Act 1970** to promote the recovery, reuse and recycling of empty beverage containers by establishing a cost effective State-wide container deposit scheme.

2 Commencement

This Act comes into operation on 1 September 2019.

3 Principal Act

In this Act, the **Environment Protection Act 1970** is called the Principal Act.

Part 2—Amendments to the Environment Protection Act 1970

4 Principle of product stewardship

At the end of section 1H of the Principal Act **insert—**

"(2) In particular, the beverage industry and consumers of beverage products have a shared responsibility with Government to reduce and deal with waste generated by beverage product packaging."

5 New Part IIIA inserted

After Part III of the Principal Act **insert—**

**"Part IIIA—Container deposit
scheme**

Division 1—Preliminary

31F Definitions

In this Part—

beverage has the meaning set out in section 31G;

collection point means—

- (a) any facility or premises for the collection and handling of containers delivered to the facility or premises in consideration of the payment of refund amounts; or
- (b) a reverse vending machine; or
- (c) any other facility or premises of a kind prescribed by the regulations;

collection point arrangement has the meaning set out in section 31J;

collection point operator, in relation to a collection point, means—

- (a) a person who has entered into a collection point arrangement with a network operator in connection with the operation of the collection point; or
- (b) if there is no collection point arrangement in force in respect of the collection point—a network

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operator who administers and operates the collection point;

container has the meaning set out in section 31H;

container approval means a container approval issued and in force under Division 3;

corresponding law means a law of another State or a Territory that is prescribed to be a corresponding law for the purposes of this Part;

material recovery facility operator means—

- (a) a person who carries on a business that is or includes the processing for reuse or recycling of domestic waste designated for recycling and collected by that or any other person during the course of domestic waste management services and who is approved in writing by the Authority as a material recovery facility operator for the purposes of this Part; or
- (b) any other person of a prescribed class;

network arrangement has the meaning set out in section 31J;

network operator means—

- (a) a person with whom the Minister enters into a network operator agreement; or
- (b) in relation to a network operator agreement, the person with whom the Minister enters into the agreement;

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network operator agreement has the meaning set out in section 31I;

refund amount means the amount prescribed as a refund amount for the purposes of this Part;

refund marking, in relation to a container, means a marking or labelling that complies with the prescribed requirements;

reverse vending machine means a machine or other device from which refund amounts can be obtained by an operation that involves inserting empty containers into the device, whether or not some other action is required to activate the device;

Scheme means the container deposit scheme established by this Part;

Scheme administration agreement has the meaning set out in section 31I;

Scheme arrangement means—

- (a) a supply arrangement, or
- (b) a network arrangement, or
- (c) a collection point arrangement.

Scheme Coordinator means the person with whom the Minister enters into a Scheme Coordinator agreement;

Scheme Coordinator agreement has the meaning set out in section 31I;

Scheme participant means—

- (a) a Scheme Coordinator; or
- (b) a network operator; or

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(c) a supplier who has entered into a supply arrangement with a Scheme Coordinator; or

(d) a collection point operator;

supplier means a person who carries on a business that is or includes the supply of beverages in containers, but does not include a person of a class prescribed as an exempt class;

supply means supply, by way of sale or otherwise, in the course of carrying on a business;

supply arrangement has the meaning set out in section 31J.

31G Meaning of beverage

In this Part, *beverage* means a liquid intended for human consumption by drinking, other than a prescribed exempt kind of liquid.

31H Meaning of container

In this Part, *container* means—

(a) a container that is designed to contain a beverage and to be sealed (when filled with the beverage) for the purposes of transport or storage before its sale, or delivery, for the use or consumption of its contents; or

(b) any other container of a kind prescribed by the regulations as a container for the purposes of this Part—

other than a prescribed exempt kind of container.

Division 2—Administration of Scheme

31I Scheme administration agreements

- (1) The Minister may enter into written agreements (*Scheme administration agreements*) with persons in connection with the management and administration of the Scheme.
- (2) A Scheme administration agreement may be—
 - (a) a Scheme Coordinator agreement; or
 - (b) a network operator agreement.
- (3) The Minister may invite applications for Scheme administration agreements in any manner the Minister considers appropriate.
- (4) An application for a Scheme administration agreement must be accompanied by the fee prescribed by or determined under the regulations.
- (5) In determining whether to enter into a Scheme administration agreement, the Minister—
 - (a) must consider whether the applicant is a fit and proper person to enter into, and fulfil the obligations imposed by, the agreement; and
 - (b) may consider any other matters the Minister considers relevant.
- (6) Without limiting the matters that the Minister may consider in determining whether a person is a fit and proper person for the purposes of subsection (5), the regulations may prescribe matters that the Minister may consider in determining

whether an applicant is a fit and proper person for the purposes of subsection (5).

- (7) If the Minister enters into a Scheme administration agreement with a person, the Minister must not enter into another Scheme administration agreement with that person if the other agreement would operate at the same time as the first agreement.

31J Content of Scheme administration agreements

- (1) A Scheme Coordinator agreement must include provisions that require the Scheme Coordinator to enter into and give effect to the following arrangements—
- (a) arrangements with suppliers (*supply arrangements*) requiring the suppliers to pay to the Scheme Coordinator contributions towards the cost of the management, administration and operation of the Scheme;
 - (b) arrangements with network operators (*network arrangements*) in connection with the establishment, administration and operation of collection points requiring the Scheme Coordinator to pay to the operators refund amounts and associated administration and handling costs for containers that are collected at the collection points (and for which the collection point operators are required to pay a refund amount under Division 3);
 - (c) arrangements to ensure that the Scheme Coordinator will have at any given time sufficient funds to meet the reasonably estimated costs of the payments the

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Scheme Coordinator is required to make under network arrangements for the next 3 months.

- (2) A network operator agreement must include provisions requiring the network operator to enter into and give effect to arrangements with persons in connection with the establishment and operation of collection points (*collection point arrangements*) requiring the network operator to pay to those persons refund amounts and associated handling costs for containers that are collected at those collection points (and for which a refund amount is payable under Division 3).
- (3) A Scheme administration agreement must include such provisions as the Minister considers necessary to ensure—
 - (a) that each Scheme arrangement required under the agreement specifies a methodology for determining the amounts payable under the arrangement; and
 - (b) that the Scheme Coordinator or network operator to whom the agreement applies does not act unfairly, or unreasonably discriminate, against or in favour of any particular Scheme participant in negotiating, entering into, performing obligations under or enforcing any Scheme arrangement.
- (4) A Scheme administration agreement may provide for such other matters as the Minister considers appropriate in relation to the management, administration or operation of the Scheme.

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- (5) The regulations may make provision for or with respect to the performance targets (including by reference to any specified network of collection points or area of operation) and any other matters to be included in a Scheme administration agreement.
- (6) A Scheme Coordinator agreement may contain provisions relating to the exercise by the Scheme Coordinator of similar functions under the laws of other States and Territories relating to container deposit schemes.
- (7) Nothing in this section or any other provision of this Division (except section 31Q) limits the matters for which a Scheme administration agreement may provide.

31K Approval of certain Scheme arrangements

- (1) A Scheme Coordinator agreement may require the Scheme Coordinator, before entering into a network arrangement, to apply to the Authority for approval of the arrangement.
- (2) A network operator agreement may require the network operator, before entering into a collection point arrangement, to apply to the Authority for approval of the arrangement.
- (3) The regulations may make provision for or with respect to approvals and applications for approvals, including for or with respect to the payment of application fees and approval fees to the Authority by the Scheme Coordinator and network operators and to the revocation of approvals by the Authority.

31L Regulations relating to content of Scheme arrangements

The regulations may make provision for or with respect to the content of Scheme arrangements made under a Scheme administration agreement.

31M Payment of refund amounts to material recovery facility operators

- (1) A Scheme Coordinator agreement may require the Scheme Coordinator to pay to material recovery facility operators refund amounts (*processing refunds*) for containers that are collected during the course of waste management services and that are processed by the operators for reuse or recycling.
- (2) The Authority may, by order published in the Government Gazette, issue a protocol (a *processing refund protocol*) to be applied in determining the amounts payable to material recovery facility operators as processing refunds under a Scheme Coordinator agreement.
- (3) Without limiting subsection (2), a processing refund protocol may set out the means for determining the estimated number of containers received, processed or dispatched by a material recovery facility operator, including by the use of audit or monitoring programs.
- (4) A processing refund protocol may—
 - (a) apply generally or be limited in its application by reference to specified exceptions or factors; or
 - (b) apply differently according to different factors of a specified kind; or

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- (c) authorise any matter to be from time to time determined, applied or regulated by any specified person or body.
- (5) A processing refund protocol must comply with any prescribed requirements.
- (6) A processing refund is not payable to a material recovery facility operator unless a processing refund protocol has been issued under this section.
- (7) The regulations may make provision for or with respect to processing refunds and claims for processing refunds, including for or with respect to the following matters—
 - (a) the manner in which a claim for a processing refund is required to be made by a material recovery facility operator;
 - (b) the assessment of claims for processing refunds;
 - (c) prohibiting the disposal to landfill or by incineration of containers in respect of which claims for the payment of processing refunds have been made by material recovery facility operators;
 - (d) prohibiting the making of claims for the payment of processing refunds in respect of containers that have been disposed of to landfill or by incineration.
- (8) Without limiting subsection (1), (2) or (7), a Scheme Coordinator agreement or the regulations (or both) may make provision for limiting—
 - (a) the material recovery facility operators or classes of material recovery facility

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operators who are entitled to claim processing refund amounts; or

- (b) the classes of containers for which processing refunds are payable; or
- (c) any other circumstances in which processing refunds are payable.

31N Inconsistent provisions void

- (1) A provision of a Scheme Coordinator agreement is, except as provided by the regulations, void to the extent to which it is inconsistent with—
 - (a) a provision of Division 3; or
 - (b) any regulations made under section 31J, 31K or 31L.
- (2) A provision of a network operator agreement is, except as provided by the regulations, void to the extent to which it is inconsistent with—
 - (a) a provision of Division 3; or
 - (b) any regulations made under section 31J or 31L.
- (3) A provision of a Scheme arrangement entered into between a Scheme Coordinator and any other Scheme participant is, except as provided by the regulations, void to the extent to which it is inconsistent with—
 - (a) a provision of the Scheme Coordinator agreement that is applicable to the Scheme Coordinator; or
 - (b) a provision of a network operator agreement that is applicable to a network operator with whom the Scheme Coordinator has entered into a network arrangement; or

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- (c) a provision of Division 3; or
 - (d) any regulations made under section 31L.
- (4) A provision of a collection point arrangement entered into between a network operator and a collection point operator is, except as provided by the regulations, void to the extent to which it is inconsistent with—
- (a) a provision of the network operator agreement that is applicable to that network operator and that relates to that arrangement; or
 - (b) a provision of Division 3; or
 - (c) any regulations made under section 31L.

31O Penalties for contravention

- (1) The provisions of a Scheme administration agreement may be enforced by penalty provisions or in any other manner that the agreement may provide.
- (2) A Scheme Coordinator or network operator who contravenes a provision of a Scheme administration agreement that is enforceable by a penalty provision is liable to pay, as a debt due to the State, an amount determined in accordance with the agreement as the penalty for the contravention.
- (3) In this section, *penalty provision* means a provision of a Scheme administration agreement that provides for the payment of an amount of penalty for the contravention of a specified provision of the agreement.

- (4) This section (and the provisions of Scheme administration agreements authorised by this section) have effect despite any other law.

31P Monitoring and enforcement of compliance

- (1) A Scheme administration agreement may—
- (a) specify the monitoring, reporting and audit requirements to be included in a Scheme arrangement; and
 - (b) provide for the exercise of powers and other functions under this Act by the Authority (and authorised officers appointed by the Authority) in connection with the agreement; and
 - (c) require a Scheme arrangement to provide for the exercise of powers and other functions under this Act by the Authority (and authorised officers appointed by the Authority) in connection with the arrangement; and
 - (d) specify any other measures to be taken by the Scheme Coordinator or network operator to whom the agreement applies to ensure that the parties comply with a Scheme arrangement.
- (2) If a Scheme administration agreement provides, or a Scheme arrangement provides (or is required under a Scheme administration agreement to provide), for the exercise of powers and other functions under this Act in connection with the agreement or arrangement, this Act extends to the exercise of powers and other functions by the Authority (and by authorised officers appointed by the Authority) for the following purposes—

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- (a) determining whether there has been compliance with or a contravention of the agreement or arrangement (or any condition of an approval granted by the Authority in relation to the arrangement);
 - (b) obtaining information or records for purposes connected with the monitoring or audit of the activities of parties to the agreement or arrangement in relation to the performance of their obligations under the agreement or arrangement.
- (3) The provisions this Act apply for any such purpose as if the responsibilities and functions of the Authority under this Act included the matters referred to in subsection (2).
- (4) This section does not affect the exercise of powers or other functions under this Act that are authorised to be exercised without reliance on this section.

31Q Term of Scheme Coordinator agreement

- (1) The term of a Scheme Coordinator agreement must not exceed 7 years.
- (2) The Minister may, with the consent of the Scheme Coordinator, extend the agreement for a further period (not exceeding 3 years). The term of the agreement must not be extended more than twice (that is, so that the agreement has effect for a total period not exceeding 13 years).

31R Variation and termination of agreement

- (1) A Scheme administration agreement may be varied or terminated by agreement in writing between the Minister and the Scheme participant.

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- (2) The Minister may, by notice in writing given to the Scheme participant, vary or terminate a Scheme administration agreement without the consent of the Scheme participant—
 - (a) if the Minister is satisfied that the Scheme participant has failed to meet any performance target under the agreement; or
 - (b) in any other circumstances authorised by the agreement.
- (3) Without limiting subsection (2), the Minister may vary a Scheme administration agreement without the consent of the Scheme participant to provide for any performance target or other matter required by this Part or the regulations to be included in the agreement.
- (4) A Scheme participant is not entitled to any compensation as a result of the variation or termination of a Scheme administration agreement under subsection (2)(a) or (3).
- (5) A provision of a Scheme administration agreement is void to the extent to which it purports to exclude, limit or modify the operation of this section.
- (6) The regulations may make further provision with respect to the variation or termination of a Scheme administration agreement.
- (7) In this section, *Scheme participant*, in relation to a Scheme administration agreement, means the Scheme Coordinator or network operator who has entered into the agreement.

31S Performance audit

- (1) At the request of the Minister, the Authority is to conduct a performance audit of the activities of any Scheme Coordinator or network operator in relation to the performance of obligations under a Scheme administration agreement.
- (2) At the conclusion of the performance audit, the Authority is to provide the Minister with a report.
- (3) If the Authority is of the opinion that a Scheme Coordinator or network operator is not complying with the Scheme administration agreement, the Authority may make recommendations to the Minister on appropriate remedial actions to be taken.
- (4) The regulations may make provision for or with respect to performance audits under this section.

31T Reports by Scheme Coordinator

- (1) A Scheme Coordinator must, within 90 days after the end of each financial year, prepare and deliver to the Minister a report on the following matters—
 - (a) the performance of the Scheme Coordinator by reference to the performance targets under the Scheme Coordinator agreement;
 - (b) the amounts charged to suppliers under supply arrangements;
 - (c) any other matter prescribed by the regulations.
- (2) The Minister is to cause a copy of the report to be tabled in each House of Parliament within 9 months after receiving the report.

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- (3) A scheme Coordinator must, within 14 days of each quarter, arrange to be published on the Authority's website and in any other prescribed manner a report on —
 - (a) the rates of supply and collection of beverage containers in the State for the quarter; and
 - (b) the amount of refund amounts paid in the State during the quarter; and
 - (c) any other prescribed information.
- (4) In subsection (3), *quarter* means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December each year.

31U Advisory committees

- (1) The Minister may appoint such advisory committees as the Minister considers appropriate for the purpose of advising the Minister in the exercise of the Minister's functions under this Part.
- (2) An advisory committee has the functions the Minister may from time to time determine for it.
- (3) Subject to subsection (4), the persons appointed as members of an advisory committee must, in the opinion of the Minister, represent a range of interests and expertise appropriate to the purpose for which the committee is appointed.
- (4) The Minister must appoint at least 1 person to an advisory committee who, in the opinion of the Minister, has expertise in environment protection.
- (5) An advisory committee member holds office for the period specified in the instrument of appointment of the committee member, but

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- the appointment may be terminated by the Minister at any time.
- (6) One of the advisory committee members, in and by the instrument by which the committee member is appointed or another instrument made by the Minister, is to be appointed as chairperson of the committee.
 - (7) An advisory committee member is entitled to be paid the fees and allowances (if any) determined from time to time by the Minister in respect of the committee member.
 - (8) Subject to the regulations and any directions of the Minister, the procedure of an advisory committee appointed under this section is to be determined by the advisory committee.
 - (9) The Minister may dissolve an advisory committee appointed under this section.

Division 3—Supply and collection of containers

Subdivision 1—Supply of beverages in containers

31V Meaning of supplier in relation to sale by vending machine

For the purposes of this Subdivision, a person is a *supplier* in relation to the supply of a beverage by vending machine if the person is the lessee or, if there is no lessee, the owner of the vending machine.

31W Offence to supply beverage without supply arrangement with Scheme Coordinator and container approval

- (1) A supplier must not supply or offer to supply a beverage in a container to any person without—
- (a) a supply arrangement in force between the supplier and a Scheme Coordinator in respect of a class of containers to which the container belongs; and
 - (b) a container approval in force in respect of that class of containers.

Penalty: In the case of a natural person,
700 penalty units.

In the case of a body corporate,
2500 penalty units.

- (2) This section applies only to the first supply in the State of the beverage in the container.
- (3) In proceedings for an offence against this section, if it is established that the beverage in the container has been supplied in the State, the onus of establishing that the supply is not a first supply in the State lies on the defendant.

31X Offence not to have refund markings on containers

A supplier must not supply or offer to supply a beverage in a container without a refund marking to any person.

Penalty: In the case of a natural person,
700 penalty units.

In the case of a body corporate,
2500 penalty units.

31Y Container approvals

- (1) A supplier may apply to the Authority for a container approval.
- (2) An application for a container approval must—
 - (a) be in a form approved by the Authority; and
 - (b) contain or be accompanied by the information required by the Authority (as indicated in the form or in material accompanying the form); and
 - (c) be accompanied by the prescribed fee.
- (3) The Authority may granting a container approval to the applicant subject to any conditions that are prescribed or specified in the approval if the Authority is satisfied that—
 - (a) a supply arrangement is in force between the applicant and a Scheme Coordinator; and
 - (b) if the labelling for containers of the class to which the application relates includes a refund marking; and
 - (c) any other prescribed matters have been satisfied.
- (4) The Authority may suspend or revoke a container approval on any prescribed grounds.
- (6) A person may apply to VCAT for review of any of the following decisions—
 - (a) the refusal of the Authority to grant a container approval to the person;

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- (b) a condition imposed by the Authority in relation to a container approval granted to the person;
 - (c) the suspension or revocation of a container approval granted to the person.
- (7) For the purposes of a review referred to in subsection (6), an application for the grant of a container approval is taken to have been refused if the approval is not granted within 28 days after the application is made in accordance with this section.
- (8) The holder of a container approval must not contravene a condition of the approval.
- Penalty: In the case of a natural person, 40 penalty units.
- In the case of a body corporate, 150 penalty units.
- (9) The regulations may make provision for or with respect to container approvals and applications for container approvals (including the payment of fees for approvals).
- (10) The regulations may limit a container approval to containers supplied by the person to whom the approval is granted.

Subdivision 2—Collection of containers

31Z Definition

In this Subdivision, *refund declaration* means a declaration containing the information prescribed by the regulations.

31ZA Refund amounts payable by collection point operators

- (1) Subject to section 31ZB, if a person presents an empty container to a collection point for the purpose of claiming a refund amount, the collection point operator must not—
- (a) refuse delivery of the container; or
 - (b) fail to pay to the person the refund amount for the container in accordance with subsection (3).

Penalty: In the case of a natural person, 20 penalty units.

In the case of a body corporate, 40 penalty units.

- (2) Subsection (1) does not apply—
- (a) if the container for which the refund amount is claimed does not bear a refund marking; or
 - (b) if the collection point operator reasonably believes—
 - (i) that the container was not acquired in the State or in a jurisdiction in which a corresponding law is in force; or
 - (ii) that the container was acquired before the commencement of this Part; or
 - (iii) that a refund amount has previously been paid for the container at any collection point; or
 - (iv) that the container has previously been processed by a material recovery facility operator for reuse

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- or recycling and a Scheme Coordinator has made, or is required to make, a payment in respect of the container to that operator under a Scheme Coordinator agreement; or
- (c) if the person has refused to comply with a requirement of the operator under section 31Z; or
 - (d) in any other prescribed circumstances.
- (3) A refund amount that is payable under this section must be paid—
- (a) in cash or in any other prescribed manner; and
 - (b) at the time the collection point operator accepts delivery of the container, or at any later time in accordance with the regulations.
- (4) Subsection (3)(a) does not prevent a collection point arrangement making further provision for limiting the manner in which a collection point operator may pay refund amounts.
- (5) For the purposes of subsection (1), the collection point operator in relation to a reverse vending machine is taken not to accept the delivery of a container if the container is inserted into, and rejected by, the machine.
- (6) For the purposes of subsection (3)(b), the collection point operator in relation to a reverse vending machine is taken not to have paid a refund amount at the time the operator accepts delivery of the container if—

- (a) the container is inserted into, and not rejected by, the machine; and
- (b) the machine fails to dispense payment of a refund amount for the container.

31ZB Refund declarations and proof of identity

- (1) A collection point operator may require any person who presents a container to the collection point for the purpose of claiming a refund amount to provide to the operator a refund declaration.
- (2) A collection point operator may refuse to pay to a person a refund amount if the operator is not satisfied as to the identity of the person.
- (3) A collection point operator must not pay to a person a refund amount in either of the following circumstances unless the person has provided to the operator a refund declaration and proof of the person's identity—
 - (a) if the number of containers for which the person is claiming a refund amount at the collection point exceeds the number prescribed by the regulations;
 - (b) if the operator knows, or ought reasonably to know, that the total number of containers presented to the collection point by the person, and all other persons acting on the person's behalf, within the period prescribed for the purpose of claiming a refund has exceeded the prescribed number.
- (4) This section does not apply in relation to containers collected, or refund amounts paid, by means of a reverse vending machine.

- (5) A collection point operator must not fail to keep such records relating to refunds paid by, and proof of identity documentation provided to, the operator as are prescribed for at least 3 years.

Penalty: 40 penalty units.

31ZC Offence to claim refund for containers not subject to Scheme

- (1) A person must not present a container to a collection point for the purpose of claiming a refund amount if the person knows, or ought reasonably to know—
- (a) that the container was not acquired in the State or in a jurisdiction in which a corresponding law is in force; or
 - (b) that the container was acquired before the commencement of this Part; or
 - (c) that a refund amount has previously been paid for the container at any collection point; or
 - (d) that the container has previously been processed by a material recovery facility operator for reuse or recycling and a Scheme Coordinator has made, or is required to make, a payment in respect of the container to that operator under a Scheme Coordinator agreement.
- (2) A Scheme participant must not issue to a Scheme administrator an invoice or other statement claiming a refund amount payable to the Scheme participant by the Scheme administrator for a container under a Scheme arrangement if the Scheme participant knows, or ought reasonably to know—

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- (a) that the container was not acquired in the State or in a jurisdiction in which a corresponding law is in force; or
- (b) that the container was acquired before the commencement of this Part; or
- (c) that a refund amount has been paid for the container on more than one occasion at any one or more collection points; or
- (d) that the container has previously been processed by a material recovery facility operator for reuse or recycling and a Scheme Coordinator has made, or is required to make, a payment in respect of the container to that operator under a Scheme Coordinator agreement.

Penalty: In the case of a natural person,
700 penalty units.

In the case of a body corporate,
2500 penalty units.

- (3) In this section—

Scheme administrator means a network operator or Scheme Coordinator.

Scheme participant means a collection point operator or network operator.

Division 4—Miscellaneous

31ZD Reviews by VCAT

- (1) The regulations may provide for an application to be made to VCAT by a person for review of a decision, of a class prescribed by the regulations, that is made under the regulations under this Part.

- (2) The Minister must not recommend the making of a regulation containing provisions for the purposes of subsection (1) unless the Minister certifies that the Minister administering the **Victorian Civil and Administrative Tribunal Act 1998** has agreed to the provisions.

31ZE False or misleading information

A person must not provide any information that the person knows is false or misleading in a material particular—

- (a) in connection with a claim for payment under a Scheme arrangement or a payment required to be made under a Scheme Coordinator agreement; or
- (b) in purported compliance with any requirement imposed by or under this Part or under regulations made under this Part.

Penalty: In the case of a natural person,
700 penalty units.

In the case of a body corporate,
2500 penalty units.

31ZF Sign at retail premises

- (1) The Authority may, by written notice, require a beverage retailer of a beverage in a container to ensure there is placed at the premises where the retailer supplies the beverage a sign stating—
- (a) a refund amount will be paid for the delivery of an empty container to a collection point; and
 - (b) the location of collection points in the vicinity of the premises.

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- (2) A retailer must comply with a notice under subsection (1).

Penalty: 20 penalty units.

31ZG Review of Part

- (1) The Minister is to review this Part to determine whether the policy objectives of the Part remain valid and whether the terms of the Part remain appropriate for securing those objectives.
- (2) The Minister must undertake the review as soon as possible after the expiry of 4 years after the date of commencement of the **Environment Protection Amendment (Container Deposit Scheme) Act 2017**.
- (3) The Minister must cause to be tabled in each House of Parliament a report on the outcome of the review within 12 months after the review is completed.

31ZH Regulations

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Part to be prescribed or necessary to be prescribed to give effect to this Part.
- (2) The regulations—
- (a) may be of general or limited application; and
 - (b) may differ according to differences in time, place or circumstance; and
 - (c) may confer a discretionary authority or impose a duty on a specified person or class of persons; and
 - (g) may apply, adopt or incorporate any matter contained in any document

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issued or adopted by any person
whether—

- (i) wholly or partially or as amended
by the regulations; or
- (ii) as issued or adopted at the time
the regulations are made or at any
time before then; or
- (iii) as issued, prescribed or published
from time to time."

Part 3—Repeal of amending Act

This Act is **repealed** on 1 January 2019.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.