

Authorised Version

Circular Economy (Waste Reduction and Recycling) (Container Deposit Scheme) Amendment Regulations 2023

S.R. No. 78/2023

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STATUTORY RULES 2023

S.R. No. 78/2023

Circular Economy (Waste Reduction and Recycling) Act 2021

Circular Economy (Waste Reduction and Recycling) (Container Deposit Scheme) Amendment Regulations 2023

The Lieutenant-Governor, having assumed the administration of the government of the State under section 6B of the **Constitution Act 1975**, with the advice of the Executive Council, makes the following Regulations:

Dated: 8 August 2023

Responsible Minister:

INGRID STITT
Minister for Environment

ANGELA SMITH
Clerk of the Executive Council

1 Objective

The objective of these Regulations is to amend the Circular Economy (Waste Reduction and Recycling) (Container Deposit Scheme) Regulations 2022 in order to prescribe further matters for the purposes of Part 6 of the **Circular Economy (Waste Reduction and Recycling) Act 2021**, including the following—

- (a) the refund marking;
- (b) notification of intent to supply an eligible container.

2 Authorising provision

These Regulations are made under section 183 of the **Circular Economy (Waste Reduction and Recycling) Act 2021**.

3 Principal Regulations

In these Regulations, the Circular Economy (Waste Reduction and Recycling) (Container Deposit Scheme) Regulations 2022¹ are called the Principal Regulations.

4 Definitions

- (1) In regulation 4 of the Principal Regulations, in the definition of *donation partner*, for "that is subject to a collection point arrangement or collection refund arrangement under section 90(1) of the Act" **substitute** "that has, pursuant to any process set out in the Scheme Coordinator Agreement, a Network Operator Agreement or any scheme arrangement, elected to receive refunds on the nomination of a person redeeming a suitable eligible container".
- (2) In regulation 4 of the Principal Regulations **insert** the following definition—
"small first supplier means a first supplier that—
 - (a) has supplied fewer than 300 000 eligible containers in Victoria in the preceding financial year; or
 - (b) is likely to supply fewer than 300 000 eligible containers in Victoria in the current financial year;"

5 New regulation 7A inserted

After regulation 7 of the Principal Regulations **insert**—

7A Refund marking

For the purposes of the definition of *refund marking* in section 3(1) of the Act, the prescribed marking or label is a marking or label that contains the following words and expressions in clear and legible characters—

"10 cents refund at collection depots/points in participating State/Territory of purchase."!

6 Methodology requirements for determining first supplier payments under supply arrangement

For regulation 12(a) and (b) of the Principal Regulations **substitute**—

- "(a) at a level that will maintain sufficient scheme liquidity over time to allow the Scheme Coordinator to pay scheme costs as and when they fall due; and
- (b) by reference to the first supplier's supply of suitable eligible containers in Victoria; and
- (c) in a manner that allows a small first supplier to elect to make payments under the supply arrangement on a quarterly or monthly basis."

7 Application for approval of a class of containers as suitable eligible containers

In regulation 14 of the Principal Regulations—

- (a) in paragraph (d), for "them; and" **substitute** "them.";
- (b) paragraph (e) is **revoked**.

8 New regulation 15 inserted

After regulation 14 of the Principal Regulations
insert—

"15 Notification of intent to supply an eligible container by the first supplier

For the purposes of section 98(1) of the Act, a person is required to notify the Head, Recycling Victoria if the person—

- (a) manufactures a beverage in an eligible container in Victoria for sale or supply in Victoria; or
 - (b) causes to be transported into Victoria a beverage in an eligible container for sale or supply in Victoria."
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Endnotes

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¹ Reg. 3: S.R. No. 94/2022.