

## Authorised Version

# Circular Economy (Waste Reduction and Recycling) (Container Deposit Scheme) Regulations 2022

S.R. No. 94/2022

### TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
<b>Part 1—Preliminary</b>	<b>1</b>
1 Objectives	1
2 Authorising provision	2
3 Commencement	2
4 Definitions	2
<b>Part 2—Exempt beverages, eligible containers and refund amounts</b>	<b>6</b>
5 Exempt beverages	6
6 Eligible containers	6
7 Refund amount	8
<b>Part 3—Scheme Coordinator</b>	<b>9</b>
8 Condition of appointment of Scheme Coordinator	9
<b>Part 4—Network operators</b>	<b>10</b>
9 Prescribed content of network operator agreement	10
10 Condition of appointment of network operators	11
<b>Part 5—First suppliers</b>	<b>12</b>
11 Criteria for eligible containers	12
12 Methodology requirements for determining first supplier payments under supply arrangement	13
13 Prescribed fee for approval as suitable eligible container	13
14 Application for approval of a class of containers as suitable eligible containers	13
<hr/> <hr/>	
<b>Endnotes</b>	<b>15</b>



## Authorised Version

STATUTORY RULES 2022

S.R. No. 94/2022

*Circular Economy (Waste Reduction and Recycling) Act 2021*

### **Circular Economy (Waste Reduction and Recycling) (Container Deposit Scheme) Regulations 2022**

The Governor in Council makes the following Regulations:

Dated: 27 September 2022

Responsible Minister:

LILY D'AMBROSIO

Minister for Environment and Climate Action

SAMUAL WALLACE

Clerk of the Executive Council

## **Part 1—Preliminary**

### **1 Objectives**

The objectives of these Regulations are to prescribe matters for the purposes of Part 6 of the **Circular Economy (Waste Reduction and Recycling) Act 2021**, including the following—

- (a) conditions of appointment of the Scheme Coordinator and network operators;
- (b) eligible containers and suitable eligible containers, including the factors that the Head, Recycling Victoria must consider when determining whether an eligible container is a suitable eligible container;

- (c) exempt beverages under the container deposit scheme;
- (d) labelling requirements for first suppliers under the container deposit scheme;
- (e) fees and application requirements;
- (f) the requirements for methodologies included in supply arrangements for determining amounts payable by first suppliers;
- (g) refund amounts for the redemption of suitable eligible containers.

## 2 Authorising provision

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

## 3 Commencement

- (1) These Regulations, except Parts 2 and 5, come into operation on 27 September 2022.
- (2) Parts 2 and 5 come into operation on 1 March 2023.

## 4 Definitions

In these Regulations—

***aseptic pack or cask*** means a container that is made wholly or in part of—

- (a) cardboard and plastic; or
- (b) cardboard and foil; or
- (c) cardboard, plastic and foil;

***cordial*** means a concentrated syrup that—

- (a) contains the following ingredients (whether or not it also contains other ingredients)—
  - (i) water;

- (ii) any natural or artificial sweetener;
  - (iii) colouring (whether natural or artificial) or flavouring, or both;
- and

- (b) is intended to be diluted before consumption;

***donation partner*** means any of the following that is subject to a collection point arrangement or collection refund arrangement under section 90(1) of the Act—

- (a) a registered entity within the meaning of the Australian Charities and Not-for-profits Commission Act 2012 of the Commonwealth that carries out any activities in Victoria;
- (b) a school within the meaning of the **Education and Training Reform Act 2006**;
- (c) a sporting, community, educational or environmental body that—
  - (i) carries out any activities in Victoria; and
  - (ii) is established primarily for a charitable, community or educational purpose; and
  - (iii) does not carry out activities for profit or gain;

***flavoured milk*** means milk to which flavouring has been added;

***flavouring*** means any natural or artificial flavouring but does not include natural or artificial sweetener;

***glass bottle*** means a bottle that is wholly or partly made of glass;

***glass container*** means a container that is wholly or partly made of glass;

***milk*** means milk from a cow or other animal, liquid milk product, soy or another plant-based milk alternative, low fat milk and ultra-heat-treated (UHT) milk but does not include—

- (a) milk produced from milk concentrate or milk powder; or
- (b) a product made by fermenting milk or adding a culture to milk, including drinking yoghurt;

***network operation zone***, in relation to a network operator, means a geographic area in relation to which the network operator is appointed and in which the network operator must give effect to collection point arrangements and collection refund arrangements under a network operator agreement;

***pure spirituous liquor*** means—

- (a) an alcoholic beverage produced by distillation; or
- (b) a mixture of 2 or more alcoholic beverages produced by distillation;

***registered health tonic*** means a liquid included in the Australian Register of Therapeutic Goods maintained under section 9A of the Therapeutic Goods Act 1989 of the Commonwealth that is supplied with a label or other accompanying document that—

- (a) states that the liquid is for medicinal purposes; and
- (b) specifies a recommended maximum dosage for the liquid;

**sachet** means a container, commonly known as a sachet, made wholly or in part of plastic or foil or both;

**the Act** means the **Circular Economy (Waste Reduction and Recycling) Act 2021**;

**water** means plain, still or carbonated spring water or mineral water, whether or not flavouring has been added;

**wine** means a beverage that is produced using the fermentation of grapes and is not mixed with any beverage other than a grape product and includes non-alcoholic wine;

**wine-based beverage** means a beverage that—

- (a) contains a mixture of wine and another beverage that is not a grape product;  
and
- (b) has an alcohol volume content of less than 10 per cent.

## **Part 2—Exempt beverages, eligible containers and refund amounts**

### **5 Exempt beverages**

For the purposes of the definition of *beverage* in section 3(1) of the Act, the following are prescribed to be exempt beverages—

- (a) milk other than flavoured milk;
- (b) cordial;
- (c) concentrated fruit or vegetable juice (or a mixture of both concentrated fruit and vegetable juices) intended to be diluted before consumption;
- (d) registered health tonics.

### **6 Eligible containers**

(1) For the purposes of the definition of *eligible container* in section 3(1) of the Act, the following are prescribed not to be eligible containers—

- (a) a container designed to hold more than 3 litres of a beverage;
- (b) a container designed to hold less than 150 millilitres of a beverage;
- (c) a glass bottle or glass container designed to hold only a pure spirituous liquor or wine;
- (d) a container designed to hold one litre or more of—
  - (i) flavoured milk; or
  - (ii) a beverage comprising of at least 90 per cent pure fruit juice or pure vegetable juice (or a mixture of both);



- (e) an aseptic pack or a cask that is designed to hold one litre or more of water, wine or a wine-based beverage;
  - (f) a sachet that is designed to hold 250 millilitres or more of wine;
  - (g) any other container designed with a ring-pull opening mechanism if the ring—
    - (i) is attached to the container when unopened; and
    - (ii) is detached from the container when opened.
- (2) A container (other than a container described in subregulation (1)(a), (b), (d) or (g)) is an eligible container if it—
- (a) is designed to hold one litre or less of pure fruit or pure vegetable juice (or a mixture of both); or
  - (b) is designed to hold less than one litre of flavoured milk; or
  - (c) is designed to hold 3 litres or less of a fermented milk product; or
  - (d) is designed to hold 3 litres or less of carbonated soft drink; or
  - (e) is designed to hold 3 litres or less of non-carbonated soft drink; or
  - (f) is a container (other than an aseptic pack or a cask) made from any material other than plastic and is designed to hold 3 litres or less of water or a wine-based beverage; or
  - (g) is a container (other than an aseptic pack or a cask) made from any material and is designed to hold 3 litres or less of water; or

- (h) is a sachet designed to hold less than 250 millilitres of wine; or
  - (i) is an aseptic pack or a cask that is designed to hold less than one litre of water, wine or a wine-based beverage; or
  - (j) is not made of glass and is designed to hold 3 litres or less of—
    - (i) an alcoholic beverage other than wine or a wine-based beverage; or
    - (ii) a pure spirituous liquor; or
  - (k) is designed to hold 3 litres or less of—
    - (i) ale, beer or stout; or
    - (ii) any beverage that contains a mix of a pure spirituous liquor and another beverage, ingredient or flavouring; or
  - (l) is made from aluminium and is designed to hold 3 litres or less of wine; or
  - (m) is a container, other than a sachet, that is made wholly of plastic and is designed to hold less than 250 millilitres of wine or a wine-based beverage.
- (3) For the purposes of subregulation (2), a container set out in that subregulation is an eligible container whether or not the container includes any closure, lid or cap that may be attached to the container.

## **7 Refund amount**

For the purposes of the definition of *refund amount* in section 3(1) of the Act, the prescribed refund amount in relation to a suitable eligible container is 10 cents.

## **Part 3—Scheme Coordinator**

### **8 Condition of appointment of Scheme Coordinator**

- (1) For the purposes of section 82(2)(c) of the Act, it is a prescribed condition that the Scheme Coordinator must notify the Minister of any adverse matter set out in subregulation (2) as soon as practicable after the Scheme Coordinator becomes aware, or reasonably should have been aware, of the matter.
- (2) For the purposes of subregulation (1), a matter is an adverse matter if it may significantly impact—
  - (a) the Scheme Coordinator's ability to enforce or give effect to any arrangement under a Scheme Coordinator agreement; or
  - (b) the Scheme Coordinator's ability to enforce or give effect to a performance target under a Scheme Coordinator agreement; or
  - (c) the Scheme Coordinator's ability to pay or receive any amount in an arrangement entered into under a Scheme Coordinator agreement; or
  - (d) the Scheme Coordinator's financial position or viability in a manner that may have a significant impact on the financial viability of the container deposit scheme; or
  - (e) public confidence in the container deposit scheme.

## **Part 4—Network operators**

### **9 Prescribed content of network operator agreement**

For the purposes of section 90(3)(b) of the Act, it is a prescribed requirement that the network operator must collect and retain, and disclose to the Minister, the following data and information—

- (a) the number of containers for which refund amounts have been claimed from the network operator;
- (b) the number of refund amount claims made at a refund collection point that is subject to a collection point arrangement entered into by the network operator;
- (c) the number of declarations requested by and provided under section 108 of the Act to a collection point operator that has entered into a collection point arrangement with the network operator;
- (d) in relation to a claim for a refund amount that is subject to section 108(3) of the Act made to a collection point operator that has entered into a collection point arrangement with the network operator—
  - (i) the declaration required under that section; and
  - (ii) the date on which the claim for a refund amount that is the subject of the declaration was made; and
  - (iii) the number of containers for which the collection point operator paid a refund amount in response to the claim, if any.

## **10 Condition of appointment of network operators**

Subject to any direction given under section 92(1) or 93(1) of the Act, for the purposes of section 91(2)(c) of the Act, it is a prescribed condition that the network operator must give effect to the collection point arrangements and collection refund arrangements under a network operator agreement only in the network operation zones that are specified in the instrument of appointment.

## Part 5—First suppliers

### 11 Criteria for eligible containers

- (1) For the purposes of the definition of *eligible container* in section 3(1) of the Act, in order to be an eligible container, a container must—
  - (a) on either the outside of the container or on an accompanying label that covers the container, bear—
    - (i) a GTIN barcode for that class of eligible containers; or
    - (ii) a product barcode for that class of eligible containers that—
      - (A) complies with the GS1 Standard; and
      - (B) does not duplicate any GTIN barcode or other product barcode; and
      - (C) is between 8 and 14 digits long; and
  - (b) in the case of a container sold in a multipack and not manufactured for individual sale, a barcode on the external multipack packaging that is unique to the multipack.
- (2) A barcode required under subregulation (1) must be affixed on the eligible container or multipack (as appropriate) and be easily readable by a scanner when the container is empty.
- (3) Nothing in this regulation limits any other markings on a label that may be used for the scanning of an eligible container in addition to the requirements set out in subregulations (1) and (2).

(4) In this regulation—

***GS1 Standard*** means the *GS1 General Specifications*, published by GS1 AISBL, dated January 2022;

***GTIN barcode*** is a product barcode that contains Global Trade Item Number (GTIN) encoding and complies with the GS1 Standard.

**12 Methodology requirements for determining first supplier payments under supply arrangement**

For the purposes of section 81(2)(a)(ii) of the Act, the prescribed requirements for a methodology specified in a supply arrangement under the Scheme Coordinator agreement are that the methodology must determine the amounts payable by a first supplier—

- (a) by reference to the first supplier's supply of suitable eligible containers in Victoria in the month preceding the payment; or
- (b) by reference to the amount of suitable eligible containers that the first supplier has supplied in the first month in which it supplied those containers in Victoria.

**13 Prescribed fee for approval as suitable eligible container**

For the purposes of section 99(2)(b) of the Act, the prescribed fee is 7 fee units.

**14 Application for approval of a class of containers as suitable eligible containers**

An application by a first supplier for the approval of a class of eligible containers as suitable eligible containers must contain a statement that all the containers in that class—

- (a) contain the same beverage; and

Circular Economy (Waste Reduction and Recycling) (Container Deposit Scheme) Regulations 2022  
S.R. No. 94/2022

Part 5—First suppliers

---

- (b) contain the same volume of that beverage;  
and
  - (c) are made of the same material; and
  - (d) have the same labels affixed to them; and
  - (e) have the same first supplier.
- 
-



---

## Endnotes

### Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2022 is \$15.29. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

---

### Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

<b>Statutory rule provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 11, definition of <i>GS1 Standard</i>	GS1 General Specifications published by GS1 AISBL, dated January 2022	The whole