

Authorised Version

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

S.R. No. 107/2023

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STATUTORY RULES 2023

S.R. No. 107/2023

Circular Economy (Waste Reduction and Recycling) Act 2021

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

The Governor in Council makes the following Regulations:

Dated: 24 October 2023

Responsible Minister:

STEVE DIMOPOULOS
Minister for Environment

SAMUAL WALLACE
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 to prescribe further matters for the purposes of Part 6 of the **Circular Economy (Waste Reduction and Recycling) Act 2021**, including the following—

- (a) containers that are not eligible containers;
- (b) matters to be included in annual assessment reports of the Scheme Coordinator;
- (c) conditions of approval for containers as suitable eligible containers;

- (d) matters relating to landfill disposal exemptions;
- (e) matters relating to enforcement and offences.

2 Authorising provision

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

3 Commencement

These Regulations come into operation on 1 November 2023.

4 Principal Regulations

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

5 Objectives of Principal Regulations

For regulation 1 of the Principal Regulations substitute—

"1 Objective

The objective of these Regulations is to prescribe matters in relation to the container deposit scheme under Part 6 of the **Circular Economy (Waste Reduction and Recycling) Act 2021**."

6 Definitions

In regulation 4 of the Principal Regulations—

- (a) **insert** the following definitions—

"GS1 Standard means the GS1 General Specifications, as published by GS1 AISBL from time to time;

GTIN barcode means a product barcode that contains Global Trade Item Number (GTIN) encoding and complies with the GS1 Standard;

mobile collection point means a refund collection point that does not have a fixed location;

refillable beverage container means a container that is designed to be—

- (a) filled with a beverage and sealed, before the sale of the beverage; and
- (b) provided to a person for re-filling and re-sealing, after the beverage has been consumed;

spirituous liquor means—

- (a) an alcoholic beverage, including a liqueur, that is produced by distillation; or
- (b) a mixture of 2 or more alcoholic beverages that are produced by distillation;";

(b) the definition of ***pure spirituous liquor*** is **revoked**.

7 Eligible containers

(1) In regulation 6(1) of the Principal Regulations—

(a) in paragraph (c) **omit** "pure";

(b) for paragraph (g) **substitute**—

"(g) an aluminium container designed with a detachable lid that has a ring-pull opening mechanism;

(h) a refillable beverage container.".

(2) Regulation 6(2) and (3) of the Principal Regulations are **revoked**.

8 New regulation 8A inserted

After regulation 8 of the Principal Regulations **insert—**

"8A Content of annual assessment report

For the purposes of section 87(2)(c) of the Act, the prescribed matters are the following as they relate to the financial year of the assessment report—

- (a) the total revenue of the container deposit scheme, including—
 - (i) all scheme contributions paid to the Scheme Coordinator under any supply arrangement; and
 - (ii) any interest earned on those contributions; and
 - (iii) any other source of revenue of the Scheme Coordinator;
- (b) the total expenses of the container deposit scheme, including—
 - (i) the total amount paid by the Scheme Coordinator to network operators; and
 - (ii) the total amount of network fees paid by the Scheme Coordinator to network operators; and
 - (iii) the total amount of refund amounts paid by the Scheme Coordinator to network operators; and

- (iv) the total amount paid by the Scheme Coordinator to material recovery facility operators; and
- (v) the total amount paid by the Scheme Coordinator to each network operator by reference to its network operation zone;
- (c) the number of material recovery facility operators that have been paid under a recovery arrangement;
- (d) the number of supply arrangements in force;
- (e) the number and weight of suitable eligible containers collected, by reference to material type;
- (f) a description of any arrangements made by the Scheme Coordinator in relation to—
 - (i) the protection of commercially-sensitive or personal information provided to the Scheme Coordinator; or
 - (ii) governance and risk management; or
 - (iii) the prevention, detection and management of fraud;
- (g) a description of any known incidents of fraud;
- (h) for any performance target specified in the Scheme Coordinator agreement—
 - (i) a description of the Scheme Coordinator's performance; and

- (ii) any strategies that the Scheme Coordinator intends to implement to meet that target in the future;
- (i) the total number of fixed collection points and their locations;
- (j) the total number and operating time of any mobile collection points;
- (k) the total number of donation partners that have received refund amounts and the total of those refund amounts;
- (l) material sales information provided by network operators to the Scheme Coordinator, including—
 - (i) the weight (in tonnes) of suitable eligible containers sold (in total and by material type); and
 - (ii) the weight (in tonnes) of suitable eligible containers sold outside Victoria (in total, by material type and by jurisdiction); and
 - (iii) the recycling process applied to the material after sale, including the end product of that recycling process."

9 Regulation 11 substituted

For regulation 11 of the Principal Regulations **substitute—**

"11 Conditions of approval of an eligible container as a suitable eligible container

For the purposes of section 99(3)(a) of the Act, the prescribed conditions are the following—

- (a) the container must display on its outside or on a label that covers the container (in addition to anything else that may be used to scan the container)—
 - (i) a GTIN barcode; or
 - (ii) a product barcode 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;
- (b) the barcode displayed in accordance with paragraph (a) must be easily readable by a scanner;
- (c) if the container is manufactured for sale in a multipack and not for individual sale, the external packaging of the multipack must display a barcode unique to the multipack;
- (d) the approval applies only to containers that—
 - (i) are of identical volume; and
 - (ii) are made of identical material; and
 - (iii) are designed to contain the same beverage; and
 - (iv) display the same barcode."

10 Regulation 14 revoked

Regulation 14 of the Principal Regulations is **revoked**.

11 New Parts 6 and 7 inserted

After Part 5 of the Principal Regulations **insert—**

"Part 6—Disposal of suitable eligible containers

16 Landfill disposal exemptions

For the purposes of section 101(2)(b) of the Act, the prescribed information is the following—

- (a) a statement that not disposing of the suitable eligible container at a landfill site is likely to pose a risk of harm to human health or the environment;
- (b) the steps that the applicant has already taken to dispose of the suitable eligible container;
- (c) evidence that methods of disposal other than disposal at a landfill site have been considered, including whether those methods of disposal are reasonably practicable in the circumstances;
- (d) evidence that the circular economy hierarchy, as set out in section 8 of the Act, has been considered in relation to disposal of the suitable eligible container;
- (e) a declaration in writing, signed by the applicant, confirming that the information contained in the application is, to the best of the applicant's knowledge, true and correct.

Part 7—Enforcement and offences

17 Circumstances to refuse delivery of or refund for container

For the purposes of section 106(2)(d) of the Act, the prescribed circumstances are the following—

- (a) that the collection point operator reasonably believes that—
 - (i) the container is damaged or contaminated with any substance such that it is unsuitable for reuse or recycling; or
 - (ii) the container poses a serious risk to health or safety or to the proper operation of the refund collection point; or
 - (iii) the container is not a suitable eligible container; or
 - (iv) the container's barcode is in such a condition that it cannot be scanned; or
 - (v) the container's refund marking is in such a condition that it cannot be read;
- (b) that the collection point operator—
 - (i) pays the refund amount to a donation partner nominated by the person; or
 - (ii) gives the person a voucher that is equivalent to the refund amount and exchangeable or redeemable for goods, services or cash on the terms and conditions specified by

the collection point operator in the voucher.

18 Manner of payment

For the purposes of section 106(5)(a) of the Act, electronic funds transfer is a prescribed manner.

19 Refund declarations and proof of identity

- (1) For the purposes of section 108(1) and (3) of the Act, the prescribed information is a declaration in writing, signed by the person, confirming that—
 - (a) all suitable eligible containers presented by the person were acquired in Victoria on or after 1 November 2023; and
 - (b) no refund amount has previously been paid to the person for the containers at any refund collection point; and
 - (c) the information provided is, to the best of the person's knowledge, true and correct.
- (2) For the purposes of section 108(3)(a) and (b) of the Act, the prescribed number is 1500.
- (3) For the purposes of section 108(3)(b) of the Act, the prescribed period is 24 hours."

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Endnotes

Endnotes

¹ Reg. 4: S.R. No. 94/2022 as amended by S.R. Nos 78/2023 and 91/2023.

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.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 6(a), which inserts a definition of <i>GS1 Standard</i> in regulation 4 of the Principal Regulations	GS1 General Specifications, version 23.0, published by GS1 AISBL in January 2023	The whole

Authorised by the Chief Parliamentary Counsel