

Environment Protection (Resource Recovery) Bill

EXPLANATORY MEMORANDUM

The object of the Bill is to establish a framework to encourage and promote recycling and reduce wastes going to landfill.

The Bill establishes Recycle 2000 which is a council of all the major stakeholders, so that programs to support and encourage recycling, waste reduction and anti-litter activities will be a cooperative effort. The program will be self-funding through a landfill levy and contributions from industry.

The Bill also introduces deposits and waste charges on post-consumer items that cannot be collected by kerbside collection, and develops controls on environmentally damaging products.

Notes on Clauses

Preamble describes the underlying principles of the Bill.

Clause 1 sets out the purpose of the Bill.

Clause 2 identifies the date when the Bill will commence.

Clause 3 identifies the **Environment Protection Act 1970** as the Principal Act.

Clause 4 replaces Part IX in the Principal Act, which relates to control of litter. These provisions will be consolidated under an amended Litter Act. Clause 4 provides for the following:

Creation of Recycle 2000

This clause establishes a new corporate body called Recycle 2000 to promote and support recycling, waste reduction and litter reduction programs.

Waste Management Council

This clause also creates the Waste Management Council which will coordinate, support, research and promote waste management.

Landfill Levy

An annual landfill levy will be applied to prescribed schedule two premises to support waste management, recycling and waste reduction programs. It is set at \$2 per tonne of waste collected by or on behalf of local councils and \$3 per tonne for all other wastes.

Industry Waste Reduction Agreements

Industry waste reduction agreements can be entered into by manufacturers, wholesalers and importers of items listed in Schedule B of the Bill and the Authority in the form of a deed.

Schedule B lists items to which this Division applies (see clause 16), and may be added to by Governor in Council, unless disallowed by either House of Parliament within 10 sitting days after being tabled.

Those persons who do not enter into an agreement are referred to as “waste creators” and are liable to pay an amount, specified by the Authority, which will cover the cost of recovering, recycling, re-using or depositing that item in Victoria, but not exceeding one cent per item.

Control of Environmentally Damaging Products

The sale of an environmentally damaging item, container or packaging may be suspended for up to 12 months if it is shown to adversely affect a beneficial use stipulated in a State environment protection policy or that is contrary to any waste management policy. Products covered by a code of practice endorsed by the Authority and newspapers are exempt from this section.

Deposits and Charges

The Authority may make regulations to enable deposits to be placed on specified durable items or charges on specified consumable goods which cannot be practicably recovered by kerbside collection. This section allows the amount of the deposit or charge and the means of applying it to be specified in regulations.

Guidelines and Codes of Practice

The Authority, after consultation with local government industry and waste management agencies may establish codes of practice and guidelines for the collection of recyclable materials.

Resource Recovery Fund

EPA will establish a trust fund called the Resource Recovery Fund into which it must deposit income arising from Part IX. This section establishes how money from this Fund can be spent.

Clause 5 broadens the definition of waste management policies declared by the Governor in Council under section 16 (1A) of the Principal Act, by removing the restriction covering industrial wastes, so that municipal wastes can be dealt with. This clause also defines “durable goods”, “metropolitan district” and “waste management policy”.

Clause 6 contains consequential amendments necessary to create waste management policies.

Clause 7 gives the Authority the power to enter into agreements concerning intellectual property owned by the Authority such as its recycling logo.

Clause 8 allows recycling and waste reduction targets to be included in waste management policies.

Clause 9 widens the scope of waste management policies so that they can apply to litter.

Clause 10 provides for the Administrative Appeals Tribunal to decide on appeals concerning a notice of breach of an industry waste reduction agreement.

Clause 11 includes consequential amendments to permit the appeals in clause 10.

Clause 12 establishes penalties for the disclosure of any trade secret or information obtained by a person while executing their duties under the Principal Act.

Clause 13 requires money collected from the sale of intellectual property, under clause 7, to be paid into the Environment Protection Fund.

Clause 14 provides regulation making power to enable schedule two premises, to which the landfill levy applies, to be prescribed.

Clause 15 is a consequential amendment to regulation making powers.

Clause 16 changes the name of the schedule in the **Environment Protection Act 1970** to “Schedule A”, to distinguish it from other schedules created in this Bill. Schedule B identifies what items section 51 applies to. Schedule C lists members of the Waste Management Council. Schedule D lists councils in regional waste management groups that are not members of the Waste Management Council.

Clause 17 ensures that certain typographical errors in the **Environment Protection (General Amendment) Act 1989** are corrected as from the date of coming into operation of that Act on 5 December 1989.

Clause 18 establishes transitional provisions for the introduction of the landfill levy and application of waste creation costs on persons who do not enter agreements under Division 4.

Clause 19 is a sunset provision for certain sections of the Bill, which takes effect on 31 December 2000.

