Collection depots

Draft Environment Protection (Beverage Container Deposit Scheme) Amendment Bill 2024

The South Australian Government is seeking feedback on the draft Environment Protection (Beverage Container Deposit Scheme) Amendment Bill 2024 (the draft Amendment Bill). This information sheet provides a summary of what the key changes in the draft Amendment Bill mean for collection depots (container refund points). We welcome your feedback on the transitional provisions with three questions set out at the end of this information sheet.

What the changes mean for collection depots

Collection depots would be known as container refund points. The definition of container refund points would include depots, reverse vending machines and capture facilities and premises operated on a permanent, temporary or mobile basis and other facilities as prescribed by regulations (see new s.65). Persons running a container refund point will be known as a container refund point operator.

Existing collection depots

Existing collection depots would need to enter a contract with the scheme coordinator. A single refund point agreement would replace the multiple waste management arrangements currently required between a collection depot and each super collector (new s.68A(2)(f)).

The scheme coordinator would be responsible for recycling all container types, including glass (new s.68A(2)(i)).

The refund point agreement would eliminate sorting of containers via brand, and the system wide IT platform would enable more timely payment to container refund point operators on container count rather than a weight conversion factor (new s.68A(2)(d), (j), (k) and (l)).

Collection depots offering home collection services would be able to continue those services noting customers make a trade-off on a portion of the refund amount for the convenience of home collection of their containers.

Transitional provisions

The draft Amendment Bill sets out a process for the scheme coordinator to transition existing collection depots from waste management arrangements to a refund point agreement (Schedule 1, cl.4).

In preparing a refund point agreement, the draft Amendment Bill proposes that the scheme coordinator must:

- prepare an engagement plan, for approval of the Minister, setting out how the scheme coordinator will engage with each existing collection depot in establishing the network of container refund points across the State;
- prepare a methodology, for approval of the Minister, for determining handling fees payable under refund point agreements, having regard to the following:
  - existing waste management arrangements between depots and super collectors
  - base handling fees payable under existing waste management arrangements
  - differential handling fees payable under existing waste management arrangements;
- engage with existing collection depots in accordance with the engagement plan;
- publish a determination of the base and differential handling fees proposed under refund point agreements;
- provide a draft refund point agreement template for approval to the Environment Protection Authority;
- offer a refund point agreement to each existing collection depot; and
- report to the Minister any instances where an agreement has not been reached.

The scheme coordinator and collection depots must act fairly and reasonably in setting handling fees and entering into refund point agreements.

During this transition period the current scheme will operate under existing waste management arrangements with super collectors to ensure the scheme continues to cover scheme costs for returned containers, and that containers are recycled (Schedule 1, cl.2).

Refund point agreements under the scheme coordinator would start on a prescribed day to be fixed by the Minister by notice in the Gazette.

New container refund points

The scheme coordinator would be responsible for maintaining and expanding the container refund point network. Proposals to expand the network would need to be identified in the scheme coordinator's strategic plan for approval of the Minister.

The draft Amendment Bill proposes that the scheme coordinator may function as a container refund point operator if directed to do so by the Minister, such as in remote communities or where there is an identified need that cannot be met economically by an established operator (new s.68A(2)(f)).

Key benefits:

- guaranteed opportunity for existing collection depots to participate in a reformed scheme
- transitional provisions provide a formal process to transition from waste management arrangements to refund point agreements
- a single contract with the scheme coordinator would eliminate sorting of containers via brand, and the IT platform would enable more timely payment on container count rather than weight, and
- the scheme coordinator would be responsible for all materials, including glass.

Seeking your feedback on transitional provisions:

Question 1: Schedule 1, clause 2 of the draft *Environment Protection (Beverage Container Deposit Scheme) Amendment Bill 2024* sets out transitional provisions to ensure beverage containers will continue to be returned to collection depots and dealt with according to the current law until a fixed day. What transitional timeframe would you recommend to ensure a smooth transition to a reformed scheme?
Comment:
Question 2: Clause 4 of Schedule 1 of the draft *Environment Protection (Beverage Container Deposit Scheme) Amendment Bill 2024* sets out a process to be followed by the scheme coordinator in engaging with existing collection depots to establish refund point agreements for the network of container refund points across the State. Are the proposed container refund point transitional provisions adequate? If no, please provide details.
Comment:
Question 3: Are there any additional transitional provisions required? If yes, please provide details.
Comment:

Disclaimer

This publication is a guide only and does not necessarily provide adequate information in relation to every situation. This publication seeks to explain your possible obligations in a helpful and accessible way. In doing so, however, some detail may not be captured. It is important, therefore, that you seek information from the EPA itself regarding your possible obligations and, where appropriate, that you seek your own legal advice.

Further information

Legislation

Online legislation is freely available.

General information

Environment Protection Authority

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