



Queensland

Waste Reduction and Recycling (Strengthening the Container Refund Scheme) Amendment Act 2026

Act No. 21 of 2026

An Act to amend the Waste Reduction and Recycling Act 2011 for particular purposes

[Assented to 21 September 2026]



Queensland

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The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Waste Reduction and Recycling (Strengthening the Container Refund Scheme) Amendment Act 2026*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Act amended

This Act amends the *Waste Reduction and Recycling Act 2011*.

4 Amendment of s 99I (How objects are to be achieved)

Section 99I(c)(i), ‘the cost of administering’—
omit, insert—
other costs of

5 Omission of s 99J (Functions of Product Responsibility Organisation)

Section 99J—
omit.

6 Amendment of s 99M (Meaning of *container*)

- (1) Section 99M(1)(a)(ii), ‘the beverage to be consumed’—
omit, insert—
consumption
- (2) Section 99M(2)—

omit, insert—

- (2) A container is a container under subsection (1) whether or not the container includes any closure, lid or cap that may be attached to the container.
- (3) However, a container under subsection (1) does not include a container prescribed by regulation not to be a container for this section.

7 Amendment of s 99Q (Container recovery agreement)

- (1) Section 99Q(2), ‘cost of the scheme’—

omit, insert—

costs of the scheme

- (2) Section 99Q(4)(a), after ‘costs of’—

insert—

the scheme, including, for example, the costs of

8 Amendment of s 99R (Limits on amounts paid by small beverage manufacturers under container recovery agreements)

- (1) Section 99R(1), ‘worked out under a’—

omit, insert—

prescribed by

- (2) Section 99R—

insert—

- (1A) Without limiting subsection (1), a regulation may prescribe—

- (a) a maximum amount; or

- (b) a method of calculating a maximum amount.

- (3) Section 99R(1A) and (2)—

renumber as section 99R(2) and (3).

9 Amendment of s 99ZH (Operator of material recovery facility may claim recovery amounts)

- (1) Section 99ZH(2), ‘required by’—
omit, insert—
required under
- (2) Section 99ZH(5), ‘time required by’—
omit, insert—
period required under

10 Insertion of new ss 99ZZA and 99ZZB

After section 99ZZ—

insert—

99ZZA Costs incurred by department for scheme

- (1) This section applies if the department incurs or is reasonably expected to incur costs for the scheme.
- (2) The chief executive may ask the Organisation to pay an amount for the costs or expected costs.
- (3) If requested under subsection (2), the Organisation must pay the chief executive the amount.
- (4) An amount payable under subsection (3) may be recovered as a debt payable by the Organisation to the chief executive.

99ZZB Duty of confidentiality

- (1) This section applies to a person who—
- (a) is, or has been, any of the following persons—
- (i) a member, director of the board, or employee of the Organisation;
- (ii) a contractor engaged by the Organisation;

- (iii) a person with whom the Organisation has entered into a scheme agreement;
 - (iv) a contractor engaged by a person mentioned in subparagraph (iii) in relation to a scheme agreement; and
- (b) in that capacity, has acquired or has access to personal information about another person.
- (2) The person must not disclose the information to anyone else, or use the information, other than under this section.

Maximum penalty—100 penalty units.

- (3) The person may disclose or use the information—
 - (a) to the extent the disclosure or use—
 - (i) is necessary to perform the person's functions under, or relating to the administration of, this Act; or
 - (ii) is otherwise required or permitted under this Act or another law; or
 - (b) with the consent of the person to whom the information relates; or
 - (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal; or
 - (d) if otherwise required or permitted under another law.
- (4) In this section—

information includes a document.

personal information see the *Information Privacy Act 2009*, section 12.

11 Replacement of ch 4, pt 5 (Product Responsibility Organisation)

Chapter 4, part 5—

omit, insert—

Part 5 Product Responsibility Organisation

Division 1 Preliminary

102AA Main purpose

The main purpose of this part is to provide for—

- (a) the appointment of an eligible company to administer the scheme; and
- (b) the good governance of the scheme.

102AB Definitions for part

In this part—

applicant see section 102AR.

board means the board of directors of the Organisation.

corporate document see section 102BO(1).

criminal history, of a person, means the person's criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

eligible company see section 102AE.

eligible individual means an individual who—

- (a) is not an insolvent under administration; and
- (b) is not disqualified from managing a corporation under the Corporations Act, part 2D.6; and

- (c) does not have a conviction, other than a spent conviction, for an offence against—
 - (i) this Act; or
 - (ii) a provision of a corresponding law; or
 - (iii) a provision of the Environmental Protection Act relating to a waste management ERA; and
- (d) does not have a conviction, other than a spent conviction, for an indictable offence against another law.

independent auditor, in relation to an audit, means a person who—

- (a) is appropriately qualified to carry out the audit; and
- (b) is not an executive officer, employee or business associate of the Organisation.

member, of a company, means a member of the company under the Corporations Act.

102AC References to functions of Organisation

A reference in this part to the functions of the Organisation, other than a reference to a specific function of the Organisation, is a reference to the functions of the Organisation under this Act or another Act.

Division 2 Ministerial appointment

102AD Minister may appoint eligible company

- (1) The Minister may appoint an eligible company to administer the scheme.
- (2) The company appointed under subsection (1) is called the Product Responsibility Organisation

(the *Organisation*).

102AE What is an *eligible company*

A company is an *eligible company* only if the company—

- (a) is registered under the Corporations Act; and
- (b) is carried on other than for the profit or gain of the company's members; and
- (c) has a constitution and board of directors that comply with, and are not contrary to, sections 102AF to 102AJ.

102AF Requirements for constitution

The constitution of a company appointed as the Organisation must—

- (a) require the company to maintain a board, constituted by 9 directors, that has the composition required under this division; and
- (b) prohibit dividends being paid to, or the income, profits or assets of the company being distributed among, the company's members; and
- (c) require the executive officers of the company to be eligible individuals; and
- (d) subject to this part, provide for the way in which the chairperson and directors of the board—
 - (i) are appointed and removed; and
 - (ii) are to vote on and decide matters; and
 - (iii) are remunerated; and

- (e) provide for the way in which the constitution is amended; and
- (f) provide for any other matter prescribed by regulation; and
- (g) be consistent with this Act; and
- (h) provide that, if the constitution is inconsistent with a provision of this Act, the provision of this Act prevails to the extent of the inconsistency.

102AG Composition of board

- (1) The board of a company appointed as the Organisation must be composed of 9 directors, including—
 - (a) at least 5 directors who are independent of the beverage industry; and
 - (b) at least 1 director who is an executive officer, employee or business associate of a large beverage manufacturer; and
 - (c) at least 1 director who is an executive officer, employee or business associate of—
 - (i) a small beverage manufacturer; or
 - (ii) an association that represents small beverage manufacturers.
- (2) Each director must be approved by the Minister as a director.
- (3) In deciding whom to approve as directors mentioned in subsection (1)(a), the Minister must be satisfied the directors approved under subsection (1)(a) will include directors who collectively—
 - (a) have expertise in waste and recycling, local government, and community and social enterprise; and

- (b) represent the interests of the community;
and
 - (c) have legal or financial qualifications and experience.
- (4) The chairperson of the board must—
- (a) be independent of the beverage industry;
and
 - (b) be approved by the Minister as chairperson.
- (5) If the members of a company appointed as the Organisation include large beverage manufacturers, not more than 2 of the directors of the board of the company may be nominated by, or be required to be appointed by, the members who are large beverage manufacturers.
- (6) In this section—
- independent of the beverage industry*, for a person, means the person is not an executive officer, employee or business associate of—
- (a) a manufacturer of a beverage product; or
 - (b) an association that represents manufacturers of beverage products.
- large beverage manufacturer* means a manufacturer of a beverage product other than a small beverage manufacturer.
- small beverage manufacturer* see section 99R(3).

102AH Term of appointment as director

- (1) A person appointed as a director of the board holds office for the term, of not more than 3 years, stated in the person's appointment.
- (2) A person appointed as a director of the board may be appointed for a further term if the members of the Organisation consider that—

- (a) the person's performance as a director of the board has been of the highest standard; and
 - (b) the person is likely to continue to contribute at a high standard to the Organisation's performance.
- (3) However, a person must not hold office as a director of the board for more than 10 years in total.

102AI Minister may withdraw approval of directors

- (1) The Minister may, at any time and for any reason or none, withdraw the Minister's approval of a director of the board by notice given to the Organisation.
- (2) If the Minister gives the Organisation a notice about a director under subsection (1), the Organisation must remove the director from office within 7 days after receiving the notice.
- (3) If the Organisation does not comply with subsection (2), the director is taken to be removed from office at the end of 7 days after the day the Organisation receives the notice.

102AJ Vacancy in office of director

- (1) The office of a director of the board becomes vacant if the director—
 - (a) completes a term of office and is not reappointed; or
 - (b) stops being an eligible individual; or
 - (c) resigns from office; or
 - (d) is removed from office.
- (2) If the office of a director of the board becomes vacant—

- (a) all reasonable endeavours must be made to ensure the office is filled within 6 months after the office becomes vacant; and
 - (b) the office is taken to be filled for the purpose of section 102AF(a) for the period of 6 months starting on the day the office becomes vacant.
- (3) However, if the Minister considers there are exceptional circumstances, the Minister may extend the period mentioned in subsection (2)(a) and (b) for a further period of not more than 6 months.

Division 3 Functions and powers

102AK Functions generally

- (1) The main function of the Organisation is to administer the scheme and ensure the good governance of the scheme.
- (2) Without limiting subsection (1), the Organisation has the following functions—
 - (a) to ensure ongoing, efficient and effective arrangements are available in Queensland to enable empty beverage containers to be collected, sorted and recycled;
 - (b) to establish and maintain a network of container refund points;
 - (c) to ensure the scheme is funded by requiring manufacturers of beverage products to pay sufficient amounts under container recovery agreements;
 - (d) to set the amounts payable, or the method for working out the amounts payable, under the scheme—

- (i) by manufacturers of beverage products to fund the scheme; and
 - (ii) to operators of container refund points to enable the operators to—
 - (A) pay refund amounts for empty beverage containers; and
 - (B) handle, sort and transport empty beverage containers for recycling;
- (e) to enter into scheme agreements;
- (f) to identify manufacturers who may not be in compliance with section 99P;
- (g) to promote the scheme and the location of container refund points to the public;
- (h) to receive and deal with complaints relating to the scheme from members of the public and entities participating in the scheme;
- (i) to support the development of infrastructure required to transport and recycle waste or other material in Queensland;
- (j) to support environmental or community programs, including, for example, programs to—
 - (i) reduce litter and illegal dumping of waste or other material; and
 - (ii) provide opportunities for social enterprise, innovation and the development of technology; and
 - (iii) give benefits to community organisations.
- (3) The Organisation also has the functions given to it under this Act or another Act.
- (4) To remove any doubt, it is declared that the Organisation may enter into scheme agreements that continue in effect after the end of the

Organisation's term of appointment under section 102BA.

102AL Function relating to network of container refund points

- (1) This section provides for the function of the Organisation mentioned in section 102AK(2)(b).
- (2) The Organisation must use all reasonable endeavours to establish and maintain a network of container refund points that enables all communities in Queensland to access a place for the return of empty beverage containers for the payment of refund amounts.
- (3) In establishing and maintaining the network, including, for example, in deciding the location of a new container refund point, the Organisation must consider the economic viability of the operators of existing container refund points.

102AM Function relating to non-compliant manufacturers

- (1) This section provides for the function of the Organisation mentioned in section 102AK(2)(f).
- (2) If the Organisation becomes aware that a manufacturer of a beverage product may not be in compliance with section 99P, the Organisation may take reasonable steps to determine whether the manufacturer is in compliance with the section.
- (3) If, after taking reasonable steps under subsection (2), the Organisation reasonably suspects that a manufacturer of a beverage product may not be in compliance with section 99P, the Organisation must give a notice to the chief executive stating—
 - (a) the Organisation's suspicion; and

- (b) the evidence or other material on which the suspicion is based.

102AN Powers

The Organisation has the power to do all things necessary and convenient to be done for the performance of the Organisation's functions.

102AO Application of other Acts

The Organisation is a unit of public administration under the *Crime and Corruption Act 2001*, to the extent the Organisation is performing a function of the Organisation.

102AP Effect of obligations

Failure to comply with a provision of this part that imposes an obligation on the Organisation is an offence only to the extent the provision expressly provides.

Note—

Failure to comply with a provision may be a ground for taking action against the Organisation under division 8.

Division 4 Appointment process

Subdivision 1 Application

102AQ Minister may invite application

- (1) The Minister may invite an eligible company to apply for appointment as the Organisation.
- (2) The invitation may state—
 - (a) the outcomes required to be met by the Organisation relating to—

- (i) the functions of the Organisation; and
 - (ii) the administration of the scheme in a way that provides opportunities for social enterprise, innovation and the development of technology; and
- (b) other requirements for the application.

102AR Application

After receiving the invitation, the eligible company (the *applicant*) may apply for appointment as the Organisation.

102AS Requirements for application

- (1) The application must—
- (a) be in writing; and
 - (b) include details of the applicant's proposed plans for the following matters—
 - (i) establishing and administering the scheme generally, including, for example, the estimated costs of establishing and administering the scheme;
 - (ii) establishing and maintaining a network of container refund points;
 - (iii) entering into container recovery agreements with manufacturers of beverage products, including, for example, details about—
 - (A) the amounts proposed to be paid under the agreements; and
 - (B) the period proposed for entering into the agreements;
 - (iv) entering into container collection agreements with operators of container

refund points, including, for example, details about—

- (A) the process proposed for choosing the persons with whom to enter into the agreements; and
 - (B) the amounts proposed to be paid under the agreements; and
 - (C) the period proposed for entering into the agreements; and
 - (D) the arrangements proposed for ensuring container refund points are accessible to the public, including, for example, locations and operating times;
- (v) entering into material recovery agreements with operators of material recovery facilities, including, for example, details about—
- (A) the process proposed for choosing the persons with whom to enter into the agreements; and
 - (B) the amounts proposed to be paid under the agreements; and
 - (C) the period proposed for entering into the agreements;
- (vi) achieving the outcomes stated in the Minister’s invitation;
- (vii) setting the amounts payable under the scheme mentioned in section 102AK(2)(d); and
- (c) comply with the other requirements, if any, stated in the Minister’s invitation under section 102AQ.
- (2) The application must be accompanied by the following—

- (a) a copy of the applicant's constitution;
- (b) evidence establishing the applicant is an eligible company and each of the company's executive officers is an eligible individual;
- (c) a draft of each corporate document for the financial year in which the applicant seeks to be appointed;
- (d) a draft of the template terms intended to be included in each type of scheme agreement;
- (e) draft policies for handling commercial or sensitive information about the beverage market;
- (f) the signed consent of each person who is an executive officer or business associate of the applicant to—
 - (i) the collection of personal or background information about the person by the chief executive; and
 - (ii) the obtaining of the criminal history of the person under section 102DB.

102AT Referral of application to chief executive

After receiving the application, the Minister must refer the application to the chief executive for assessment.

102AU Withdrawing or amending application

The applicant may, at any time—

- (a) withdraw the application; or
- (b) amend the application with the agreement of the Minister.

Subdivision 2 Assessment by chief executive

102AV Assessing application

The chief executive must—

- (a) assess whether the applicant is suitable for appointment as the Organisation; and
- (b) give the Minister a report about the applicant's suitability.

102AW Particular matters for assessing application

- (1) In assessing whether the applicant is suitable for appointment as the Organisation, the chief executive must consider—
 - (a) the application; and
 - (b) the documents and evidence mentioned in section 102AS(2); and
 - (c) the applicant's business reputation, current financial position and financial background; and
 - (d) the suitability of each executive officer and business associate of the applicant to be associated with the applicant if the applicant is appointed as the Organisation; and
 - (e) whether, collectively, the executive officers of the applicant have the skills, knowledge and experience required for the applicant to perform the functions of the Organisation effectively and efficiently; and
 - (f) any other matter the chief executive considers appropriate.
- (2) In assessing the suitability of an executive officer or business associate of the applicant, the chief

executive must consider—

- (a) the person's character or business reputation; and
- (b) the person's relevant skills, knowledge and experience; and
- (c) the person's current financial position and financial background; and
- (d) any other matter the chief executive considers appropriate.

102AX Chief executive may require further information or documents

- (1) The chief executive may, by notice, require the applicant to give the chief executive further information or a document the chief executive reasonably requires to assess the application.
- (2) The notice must state a reasonable period of at least 10 business days within which the applicant must comply with the requirement.
- (3) If the applicant does not comply with the requirement, the chief executive may assess the application without the further information or document.

Subdivision 3 Decision by Minister

102AY Deciding application

- (1) This section applies if the Minister receives a report from the chief executive under section 102AV(b) about an applicant's suitability for appointment as the Organisation.
- (2) The Minister must decide to appoint, or refuse to appoint, the applicant as the Organisation.
- (3) The Minister may decide to appoint the applicant

as the Organisation only if the Minister is satisfied—

- (a) the applicant's proposed plans about the matters mentioned in section 102AS(1)(b) are acceptable; and
- (b) the applicant is suitable for appointment as the Organisation.

102AZ Conditions

The appointment of the Organisation may be subject to the conditions the Minister considers appropriate.

102BA Term of appointment

The appointment of the Organisation is for the term, of not more than 7 years, stated in the appointment.

102BB Notice of decision

- (1) The Minister must give the applicant notice of the decision.
- (2) If the Minister decides to appoint the applicant as the Organisation, the appointment takes effect when the applicant is given the notice or, if the notice states a later day of effect, on the later day.

Division 5 Amendment of appointment

102BC Amendment on application

- (1) The Organisation may apply to the Minister for an amendment of the appointment.
- (2) The application must be made in the approved

form.

- (3) The Minister must refer the application to the chief executive for assessment.
- (4) The chief executive must—
 - (a) assess whether the amendment is appropriate; and
 - (b) give the Minister a report about whether the amendment is appropriate.
- (5) In assessing the application, the chief executive must have regard to—
 - (a) the application; and
 - (b) any other matter the chief executive considers appropriate.
- (6) Section 102AX applies in relation to the application for amendment as if it were an application for appointment.
- (7) After receiving the chief executive's report, the Minister must decide the application by—
 - (a) amending the appointment in the way applied for; or
 - (b) with the applicant's written agreement, amending the appointment in another way; or
 - (c) refusing to amend the appointment.
- (8) Without limiting subsection (7), an amendment may impose a condition on, or vary or remove a condition of, the appointment.

102BD Amendment by Minister

- (1) The Minister may decide to amend the appointment at any time on the Minister's own initiative.
- (2) Without limiting subsection (1), an amendment

may impose a condition on, or vary or remove a condition of, the appointment.

102BE Notice of decision

- (1) The Minister must give the Organisation notice of the Minister's decision under section 102BC or 102BD.
- (2) If the Minister decides to amend the appointment under section 102BC, the amendment takes effect when the Organisation is given the notice.
- (3) If the Minister decides to refuse to amend the appointment under section 102BC, the decision takes effect when the Organisation is given the notice.
- (4) If the Minister decides to amend the appointment under section 102BD, the amendment takes effect 10 business days after the Organisation is given the notice.

Division 6 Renewal of appointment

102BF Application for renewal

- (1) An eligible company appointed as the Organisation may apply to the Minister for renewal of the appointment.
- (2) The application must be made in the approved form on or before—
 - (a) the day that is 3 months before the term of the appointment ends; or
 - (b) the later day, before the term of the appointment ends, agreed between the eligible company and the Minister.
- (3) The Minister must refer the application to the chief executive for assessment.

- (4) The chief executive must—
 - (a) assess whether the renewal is appropriate; and
 - (b) give the Minister a report about whether the renewal is appropriate.
- (5) In assessing the application, the chief executive must have regard to—
 - (a) the application; and
 - (b) any other matter the chief executive considers appropriate.
- (6) Section 102AX applies in relation to the application for renewal as if it were an application for appointment.

102BG Deciding application

- (1) After the Minister receives the chief executive's report under section 102BF(4)(b), the Minister must decide to renew, or refuse to renew, the appointment.
- (2) The Minister may decide to renew the appointment only if the Minister is satisfied that the company remains suitable for appointment as the Organisation.
- (3) The renewal of the appointment may be subject to the conditions the Minister considers appropriate.
- (4) The renewed appointment's term can not be more than 7 years.
- (5) If the Minister has not made a decision under subsection (1) before the day on which the eligible company's appointment is due to expire, the eligible company's appointment continues until the Minister's decision takes effect.

102BH Notice of decision

- (1) The Minister must give the eligible company notice of the Minister's decision under section 102BG.
- (2) If the Minister decides to renew the appointment, the renewal of the appointment takes effect when the eligible company is given the notice or, if the notice states a later day of effect, on the later day.
- (3) If the Minister decides to refuse to renew the appointment, the decision takes effect when the eligible company is given the notice or, if the notice states a later day of effect, on the later day.

Division 7 Operations of Organisation

Subdivision 1 General obligations

102BI Organisation must not act unfairly

The Organisation must not act unfairly, or unreasonably discriminate, against or in favour of any person when—

- (a) negotiating, entering into, performing obligations under or enforcing a scheme agreement; or
- (b) performing another function, or exercising a power, of the Organisation.

102BJ Organisation must comply with plans proposed in application

- (1) The Organisation must implement its plans for the matters mentioned in section 102AS(1)(b).
- (2) This section applies subject to a condition of the

Organisation's appointment.

102BK Organisation must establish container refund points in particular circumstances

- (1) The Organisation must establish and operate a container refund point in a community if—
 - (a) the community does not have reasonable access to a container refund point; and
 - (b) the Organisation has not identified another entity with which to enter into a container collection agreement to operate a container refund point in the community.
- (2) This section applies subject to a condition of the Organisation's appointment.

102BL Organisation must use best endeavours to meet outcomes prescribed by regulation

- (1) A regulation may prescribe outcomes to be achieved by the Organisation, during a period prescribed by regulation, relating to—
 - (a) the Organisation's functions, including, for example, outcomes relating to—
 - (i) the recovery and recycling of containers under the scheme; or
 - (ii) the accessibility of container refund points to members of the public; or
 - (b) administering the scheme in a way that provides opportunities for social enterprise, innovation and the development of technology.
- (2) The Organisation must use its best endeavours to achieve an outcome prescribed under subsection (1).

Subdivision 2 Ministerial oversight

102BM Ministerial statement of expectations

- (1) The Minister may give the Organisation a written statement (a *statement of expectations*) about the Minister's expectations for the performance of the Organisation's functions.
- (2) Without limiting subsection (1), the statement of expectations may—
 - (a) state a particular period for which the statement applies; and
 - (b) provide for the nature and scope of the Organisation's activities for a particular period.
- (3) The Organisation must have regard to the statement of expectations in performing the Organisation's functions.

102BN Ministerial direction

- (1) The Minister may give the Organisation a written direction about a matter relevant to the performance of a function, or the exercise of a power, of the Organisation.
- (2) The Organisation must comply with a direction given under subsection (1).
- (3) The Organisation must include details, in the Organisation's annual report under section 102BV, of—
 - (a) any direction given by the Minister under subsection (1) during the financial year to which the report relates; and
 - (b) the actions taken by the Organisation as a result of the direction.

Subdivision 3 Corporate documents

102BO Organisation must have particular documents

- (1) The Organisation must have the following documents (each a *corporate document*) for each financial year—
 - (a) a budget;
 - (b) a strategic plan;
 - (c) an operational plan;
 - (d) a statement of corporate intent;
 - (e) a performance management plan;
 - (f) a governance and investment plan;
 - (g) a document setting out a scheme payments and contribution methodology;
 - (h) a network of container refund points plan;
 - (i) an employment and industrial relations plan;
 - (j) a document setting out a complaints management framework.
- (2) Each corporate document must include the matters prescribed by regulation.

102BP Preparation and submission of drafts of corporate documents

The Organisation must, before 31 March each year, prepare, and submit to the Minister, a draft of each corporate document required for the next financial year.

102BQ Particular corporate documents require Minister's agreement

- (1) A corporate document for a financial year, other

than an excluded document, has no effect until it is agreed to by the Minister.

- (2) The Organisation and the Minister must endeavour to reach agreement on a corporate document to which subsection (1) applies before the start of the financial year.
- (3) Without limiting subsection (2)—
 - (a) the Minister may ask the Organisation to—
 - (i) consider a matter and revise the draft of the corporate document having regard to the Organisation’s consideration; and
 - (ii) give the revised draft of the corporate document to the Minister; and
 - (b) the Organisation must immediately comply with the request.
- (4) If the Minister has not agreed to a corporate document to which subsection (1) applies before the financial year starts, the previous corporate document applies as the corporate document for the financial year, with all necessary modifications, until the Minister agrees to the corporate document for the financial year.
- (5) In this section—

excluded document means—

 - (a) a budget; or
 - (b) an operational plan; or
 - (c) an employment and industrial relations plan; or
 - (d) a document setting out a complaints management framework.

previous corporate document, in relation to a corporate document for a financial year that is not agreed to by the Minister, means the corporate

document of the same type for the preceding financial year.

102BR Procedure if particular corporate documents not agreed to before financial year starts

- (1) This section applies if the Minister has not agreed to a corporate document to which section 102BQ(1) applies before the start of a financial year.
- (2) The Minister may, by notice, direct the Organisation to—
 - (a) revise the draft of the corporate document by making stated modifications or doing any other stated thing; and
 - (b) give the revised draft of the corporate document to the Minister.
- (3) The Organisation must immediately comply with a direction under subsection (2).
- (4) The Organisation must include details, in the Organisation's annual report under section 102BV, of—
 - (a) any direction given by the Minister under subsection (2) during the financial year to which the report relates; and
 - (b) the actions taken by the Organisation as a result of the direction.

102BS Modification of corporate documents

- (1) The Organisation may modify a corporate document for a financial year.
- (2) However, a corporate document to which section 102BQ(1) applies may be modified only with the agreement of the Minister.

- (3) Also, the Minister may, by notice, direct the Organisation to modify a corporate document to which section 102BQ(1) applies.
- (4) Before giving the direction, the Minister must consult with the Organisation and take the Organisation's views into account.
- (5) The Organisation must include details, in the Organisation's annual report under section 102BV, of—
 - (a) any direction given by the Minister under subsection (3) during the financial year to which the report relates; and
 - (b) the actions taken by the Organisation as a result of the direction.
- (6) If the Organisation modifies a corporate document, the Organisation must give the modified corporate document to the Minister within 10 business days after making the modification.

Subdivision 4 Meetings

102BT Annual general meeting

The Organisation must convene an annual general meeting each year on or after the anniversary of its first annual general meeting, but not later than 5 months after the end of each financial year.

Subdivision 5 Reporting obligations

102BU Quarterly reports

- (1) The Organisation must give the Minister a report (a *quarterly report*) about the Organisation's operations for each quarter of a financial year.

- (2) The quarterly report for a quarter of a financial year must be given to the Minister—
 - (a) within 6 weeks after the end of the quarter; or
 - (b) if the Minister approves a longer period—within the longer period.
- (3) The quarterly report for a quarter of a financial year must include—
 - (a) the information required under the Organisation’s strategic plan; and
 - (b) any other information prescribed by regulation.
- (4) In this section—

quarter, of a financial year, means each of the following periods in the year—

 - (a) 1 July to 30 September;
 - (b) 1 October to 31 December;
 - (c) 1 January to 31 March;
 - (d) 1 April to 30 June.

102BV Annual report

- (1) The Organisation must give the Minister a report (an ***annual report***) about the Organisation’s operations for each financial year.
- (2) The annual report for a financial year must be given to the Minister within 3 months after the end of the financial year.
- (3) The annual report for a financial year must include—
 - (a) annual financial statements for the financial year that have been audited by an independent auditor; and

- (b) details of whether the Organisation has achieved during the financial year the objectives stated in each of the following corporate documents for the financial year—
 - (i) the strategic plan;
 - (ii) the operational plan;
 - (iii) the statement of corporate intent;
 - (iv) the governance and investment plan; and
- (c) details of whether the Organisation has achieved during the financial year the outcomes, if any, prescribed under section 102BL(1); and
- (d) any other information prescribed by regulation.

102BW Annual notification of status as eligible company

The Organisation must, within 10 business days after each anniversary of its appointment as the Organisation, give the chief executive—

- (a) a document stating whether the Organisation is an eligible company and whether the Organisation was not an eligible company at any time during the previous year; and
- (b) a copy of the Organisation's constitution current on the day of the anniversary.

102BX Annual notification of template terms of scheme agreements

- (1) The Organisation must, before 31 March each year, give the Minister a draft of the template terms that the Organisation intends to include in

each type of scheme agreement entered into in the next financial year.

- (2) To remove any doubt, it is declared that the template terms of a scheme agreement do not include the standard terms of a scheme agreement prescribed under section 99Q(5), 99ZA(2) or 99ZF(3).

102BY Continuous obligation to notify chief executive of particular events

- (1) If any of the following events happen, the Organisation must give a notice about the event to the chief executive—
 - (a) an event that means the Organisation is no longer an eligible company;
 - (b) an event that means an executive officer of the Organisation is no longer an eligible individual;
 - (c) the appointment or employment of an executive officer of the Organisation;
 - (d) the ending of the appointment or employment of an executive officer of the Organisation;
 - (e) a person becoming a member of the Organisation;
 - (f) a person ceasing to be a member of the Organisation;
 - (g) a change in the template terms that the Organisation intends to include in a scheme agreement entered into during a financial year.
- (2) The notice must be given within 10 business days after the event happens.
- (3) A notice about an event mentioned in subsection (1)(a) must include a plan and

timetable for restoring the Organisation to its status as an eligible company.

- (4) A notice about an event mentioned in subsection (1)(c) or (e) must be accompanied by the signed consent of the person who is the subject of the notice to—
 - (a) the collection of personal or background information about the person by the chief executive; and
 - (b) the obtaining of the criminal history of the person under section 102DB.
- (5) For subsection (4), if the person the subject of the notice is a corporation, the notice must be accompanied by the signed consent of each person who is an executive officer or business associate of the corporation to the matters mentioned in subsection (4).

102BZ Continuous obligation to notify Minister of risks to scheme

The Organisation must immediately inform the Minister about any matter that the Organisation considers may—

- (a) prevent, or significantly affect, the achievement of—
 - (i) an objective stated in a corporate document; or
 - (ii) an outcome prescribed under section 102BL(1); or
- (b) significantly affect—
 - (i) the performance of the Organisation's functions; or
 - (ii) the financial position or viability of the Organisation; or

- (iii) public confidence in the integrity of the scheme.

102CA Reporting to chief executive

- (1) The Minister may require the Organisation to report to the chief executive about a matter relevant to the performance of the Organisation's functions, including, for example, by giving the chief executive stated information within a stated period.
- (2) The Organisation must comply with the requirement.

Subdivision 6 External oversight

102CB Annual audit of board

- (1) The Organisation must, at least once in each financial year and with the approval of the Minister, appoint a person as an independent auditor to carry out an audit of—
 - (a) the board's compliance with this Act; and
 - (b) the suitability of each director of the board to continue as a director.
- (2) The Minister may, by notice given to the Organisation—
 - (a) extend the period in which an audit is required under subsection (1) to a period longer than a financial year; and
 - (b) state terms of reference for carrying out an audit under subsection (1).
- (3) A person appointed as an independent auditor to carry out an audit under subsection (1) must—
 - (a) prepare a report for the audit; and

- (b) give a copy of the report to the Organisation and the Minister within 10 business days after completing the report.

102CC Minister may require audit of Organisation

- (1) The Minister may, by notice given to the Organisation, require the Organisation—
 - (a) to carry out an internal audit of either or both of the following—
 - (i) the Organisation’s compliance with this Act;
 - (ii) the reliability and quality of the information given by the Organisation to the Minister or chief executive under this Act; or
 - (b) to appoint a person as an independent auditor to carry out an audit of either or both of the matters mentioned in paragraph (a).
- (2) The notice may state terms of reference for carrying out the audit.
- (3) The Minister may appoint a person as an independent auditor to carry out an audit of either or both of the matters mentioned in subsection (1)(a) if—
 - (a) the Minister has given the Organisation a notice under subsection (1); and
 - (b) either—
 - (i) the Organisation has failed to comply with the notice; or
 - (ii) for a notice given under subsection (1)(b)—the Minister considers the person appointed by the Organisation to carry out the audit is not appropriately qualified to carry out the audit.

- (4) The person carrying out the audit must—
 - (a) prepare a report for the audit; and
 - (b) give a copy of the report to the Organisation and the Minister within 10 business days after completing the report.
- (5) The Organisation must pay the costs of an independent auditor appointed by the Minister under subsection (3).

Subdivision 7 Information

102CD Keeping of records

- (1) The Organisation must keep a document created or received by the Organisation in the performance of the Organisation's functions for 7 years after the document was created or received.
- (2) If the Minister requests a document mentioned in subsection (1), the Organisation must give the document to the Minister—
 - (a) within 20 business days after the Minister makes the request; or
 - (b) if the Minister approves a longer period—within the longer period.

102CE Publication of information on Organisation's website

- (1) The Organisation must publish the following information on the Organisation's website—
 - (a) the members of the Organisation;
 - (b) the constitution of the Organisation;
 - (c) a notice given by the Minister under section 102AI(1);

- (d) a statement of expectations given by the Minister under section 102BM(1);
 - (e) each direction given by the Minister under section 102BN(1), 102BR(2) or 102BS(3);
 - (f) each corporate document, other than the budget, for each financial year, including any modification of a corporate document under section 102BS;
 - (g) each annual report;
 - (h) each quarterly report;
 - (i) the template terms for each type of scheme agreement given to the Minister under section 102BX;
 - (j) the remuneration and other amounts, including, for example, termination payments, paid in each financial year to a person who is or was a director of the board;
 - (k) any other information prescribed by regulation.
- (2) The information must be published within the period prescribed by regulation.
- (3) The information must be accessible on the Organisation's website for the following period starting on the day the information is first published on the website—
- (a) if the information is an annual report—7 years;
 - (b) otherwise—2 years.
- (4) In this section—
- annual report** see section 102BV(1).
- information** includes a document.
- quarterly report** see section 102BU(1).

Subdivision 8 Miscellaneous

102CF Delegation

- (1) The Organisation may delegate its functions or powers to a director of the board or an appropriately qualified employee of the Organisation.
- (2) The chief executive officer of the Organisation (however described) may, with the Organisation's approval, subdelegate a function or power delegated to the chief executive officer under subsection (1) to an appropriately qualified employee of the Organisation.

Division 8 Sanctions for non-compliance

Subdivision 1 Conditions, suspension and cancellation

102CG Grounds for taking action

- (1) The Minister may take 1 or more of the actions mentioned in subsection (2) in relation to the appointment of the Organisation if—
 - (a) the appointment was obtained because of incorrect or misleading information; or
 - (b) the Minister believes the Organisation is no longer an eligible company; or
 - (c) the Minister believes an executive officer of the Organisation is no longer an eligible individual; or

- (d) the Minister believes the Organisation has failed to comply with a condition of the appointment; or
 - (e) the Minister believes the Organisation has failed to achieve, or is unlikely to achieve, an outcome prescribed under section 102BL(1); or
 - (f) the Minister believes the Organisation has failed to comply with a direction given by the Minister under section 102BN(1), 102BR(2) or 102BS(3); or
 - (g) the Minister believes the Organisation has failed to comply, without a reasonable excuse, with a compliance notice given under chapter 11; or
 - (h) the Organisation is convicted of an offence against this Act; or
 - (i) the Minister believes the Organisation has failed to comply with this Act; or
 - (j) the Organisation has been charged with an indictable offence; or
 - (k) the Minister believes another circumstance indicates that the Organisation may not be suitable to hold the appointment.
- (2) The actions are—
- (a) to impose a condition on, or vary or remove a condition of, the appointment; or
 - (b) to appoint a special manager for the Organisation; or
 - (c) to appoint an administrator for the Organisation; or
 - (d) to suspend the appointment for a stated period of not more than 6 months; or
 - (e) to cancel the appointment.

102CH Show cause notice before taking action

- (1) This section applies if the Minister is considering taking action under section 102CG.
- (2) The Minister must first give the Organisation a notice (a ***show cause notice***) stating—
 - (a) that the Minister intends to take the action; and
 - (b) the proposed action; and
 - (c) the reasons for the proposed action; and
 - (d) that the Organisation may, within 20 business days after the notice is given, give the Minister a written response to the proposed action.

102CI Decision in relation to taking action after show cause process

- (1) After considering any written response from the Organisation received under section 102CH(2)(d), the Minister may decide to take, or not to take, the action.
- (2) If the Minister decides not to take the action, the Minister must give the Organisation notice of the decision.

102CJ Immediate suspension without show cause notice

- (1) The Minister may suspend the appointment of the Organisation on a ground mentioned in section 102CG(1) without giving the Organisation a show cause notice under section 102CH(2) if the Minister is satisfied the circumstances warrant the immediate suspension of the appointment to protect—
 - (a) the safety, health or wellbeing of persons; or
 - (b) the integrity of the scheme.

- (2) The suspension may not be for a period of more than 20 business days.
- (3) However, if the Minister considers there are exceptional circumstances, the Minister may extend the suspension for a further period of not more than 3 months.

102CK Notice and taking effect of action

- (1) The Minister must give the Organisation notice of a decision under section 102CI to take action or a decision under 102CJ to suspend the appointment.
- (2) A decision under section 102CI to take action takes effect at the end of 10 business days after the Organisation is given the notice or, if the notice states a later day of effect, on the later day.
- (3) A decision under section 102CJ to suspend the appointment takes effect on the giving of the notice.

Subdivision 2 Appointment of special manager

102CL Functions

- (1) The main functions of the special manager are—
 - (a) to monitor the affairs of the Organisation during the period of the manager's appointment; and
 - (b) to report to the Minister on the performance of the manager's functions—
 - (i) as requested by the Minister; and
 - (ii) as required in the manager's instrument of appointment.

- (2) The special manager also has the functions given to the manager under the manager's instrument of appointment.
- (3) The special manager is not civilly liable for an act done or omission made honestly and without negligence in performing a function under this subdivision.

102CM Powers

- (1) The special manager has the power to do all things necessary and convenient to be done for the performance of the manager's functions.
- (2) Without limiting subsection (1), the special manager may—
 - (a) access all documents and records of the Organisation relating to the affairs of the Organisation; and
 - (b) attend any meeting of the board; and
 - (c) engage any person to provide advice or other services to the manager in connection with the performance of the manager's functions.

102CN Requirement for information or assistance

- (1) The special manager may, by notice given to a responsible person, require the person to—
 - (a) give the manager, within a stated reasonable period of at least 10 business days, information the manager reasonably requires to perform the manager's functions; or
 - (b) give the manager any other assistance the manager reasonably requires to perform the manager's functions.
- (2) A person of whom a requirement is made under

subsection (1) must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (3) It is a reasonable excuse for an individual not to comply with a requirement if doing so might tend to incriminate the individual.

- (4) In this section—

information includes a document.

responsible person means—

- (a) a member, director of the board, or employee of the Organisation; or
- (b) a former member, director of the board, or employee of the Organisation.

102CO Requirement to take, or refrain from taking, particular action

- (1) The special manager may, by notice given to the Organisation, require the Organisation to take a stated action, or refrain from taking a stated action, within a stated reasonable period.
- (2) However, the special manager may give the Organisation the notice only if the manager—
- (a) reasonably suspects there is or has been maladministration on the part of the Organisation; or
- (b) reasonably believes the notice is in the best interests of the scheme; or
- (c) reasonably believes the notice is necessary to ensure compliance by the Organisation with this Act.
- (3) The Organisation must comply with the requirement unless the Organisation has a reasonable excuse.

Maximum penalty—100 penalty units.

102CP Obstruction of special manager

A person must not obstruct the special manager in the performance of the special manager's functions, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

102CQ Remuneration

- (1) If the special manager is not a public service employee, the manager is entitled to the remuneration stated in the manager's instrument of appointment.
- (2) In this section—
remuneration includes costs, charges, expenses and commission.

102CR Relationship with other provisions of Act and appointment

- (1) This subdivision applies despite anything to the contrary in this Act or the appointment of the Organisation.
- (2) In performing a function or exercising a power under this subdivision, the special manager is not required to consult with the Organisation or any other person about how the function is to be performed or whether the power should be exercised, including, for example, by giving the Organisation an opportunity to be heard before performing a function or exercising a power.

Subdivision 3 Appointment of administrator

102CS Functions

- (1) The main function of the administrator is—
 - (a) if the administrator is appointed on the suspension of the appointment of the Organisation—to conduct and manage the affairs of the Organisation during the period of the suspension; or
 - (b) if the administrator is appointed on the cancellation of the appointment of the Organisation—to be the Organisation.
- (2) The administrator also has the functions given to the administrator under the administrator's instrument of appointment.
- (3) The administrator's functions are to the exclusion of any other person.
- (4) The administrator is not civilly liable for an act done or omission made honestly and without negligence in performing a function under this subdivision.

102CT Powers

The administrator has the power to do all things necessary and convenient to be done for the performance of the administrator's functions.

102CU Requirement for information or assistance

- (1) The administrator may, by notice given to a responsible person, require the person to—
 - (a) give the administrator, within a stated reasonable period of at least 10 business days, information the administrator reasonably requires to perform the administrator's functions; or

- (b) give the administrator any other assistance the administrator reasonably requires to perform the administrator's functions.
- (2) A person of whom a requirement is made under subsection (1) must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (3) It is a reasonable excuse for an individual not to comply with a requirement if doing so might tend to incriminate the individual.
- (4) In this section—

information includes a document.

responsible person means—

- (a) a member, director of the board, or employee of the Organisation; or
- (b) a former member, director of the board, or employee of the Organisation.

102CV Obstruction of administrator

A person must not obstruct the administrator in the performance of the administrator's functions, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

102CW Remuneration

- (1) If the administrator is not a public service employee, the administrator is entitled to the remuneration stated in the administrator's instrument of appointment.
- (2) In this section—

remuneration includes costs, charges, expenses and commission.

Division 9 Replacement of Organisation

102CX Definitions for division

In this division—

former Organisation means an entity whose appointment as the Organisation—

- (a) has ended; or
- (b) is going to end before the relevant transfer day.

new Organisation means an entity appointed as the Organisation whose appointment—

- (a) has started; or
- (b) is going to start on or before the relevant transfer day.

relevant entity means—

- (a) an administrator; or
- (b) an entity prescribed by regulation for this paragraph.

relevant transfer day means the day stated in a transfer regulation as the day on which the administration of the scheme is to be transferred under the transfer regulation.

transferee, for a matter transferred under a transfer regulation, means the entity to which the matter is transferred under the regulation.

transferor, for a matter transferred under a transfer regulation, means the entity from which the matter is transferred under the regulation.

transfer regulation see section 102CY(1).

102CY Regulation may provide for transfer of administration of scheme

- (1) A regulation (a *transfer regulation*) may provide for the transfer of the administration of the scheme from the former Organisation to the new Organisation.
- (2) For the purpose of transferring the administration of the scheme from the former Organisation to the new Organisation, a transfer regulation may provide for the transfer of a matter—
 - (a) from the former Organisation to the new Organisation or a relevant entity; or
 - (b) from a relevant entity to the new Organisation.
- (3) Also, a transfer regulation may provide for the transfer of a matter that has been transferred to a relevant entity or the new Organisation as mentioned in subsection (2) to the former Organisation if the matter is not, or is no longer, relevant to the administration of the scheme.

102CZ Transfer of assets, liabilities, etc. under transfer regulation

- (1) A transfer regulation may make provision about all or any of the following—
 - (a) the transfer of a business, asset or liability of the scheme from the transferor to the transferee;
 - (b) the consideration for a business, asset or liability transferred under paragraph (a);
 - (c) whether and, if so, the extent to which the transferee is the successor in law of the transferor;
 - (d) a legal proceeding that is being, or may be, taken by or against the transferor to be

- continued or taken by or against the transferee;
 - (e) the transfer or application of an instrument to the transferee, including, for example—
 - (i) whether the transferee is a party to an instrument; and
 - (ii) whether an instrument, or a benefit or right provided by an instrument, is taken to have been given to, by or in favour of the transferee; and
 - (iii) whether a reference to the transferor in an instrument is a reference to the transferee; and
 - (iv) whether, under an instrument, an amount is or may become payable to or by the transferee or other property is, or may be, transferred to or by the transferee; and
 - (v) whether a right or entitlement under an instrument is held by the transferee;
 - (f) the existing employees of the transferor and their terms and conditions of employment, rights and entitlements;
 - (g) the records or other documents of the transferor;
 - (h) anything incidental, consequential or supplemental to a matter mentioned in this subsection.
- (2) A transfer regulation—
- (a) has effect despite any other law or instrument; and
 - (b) may provide for a matter by reference to a document held by an entity.
- (3) A transfer regulation may make provision about—

- (a) how consideration mentioned in subsection (1)(b) is to be decided; and
 - (b) the changing of the consideration.
- (4) A transfer regulation may make provision about accounting treatment in relation to a matter mentioned in subsection (1).
- (5) A transfer regulation must not reduce the terms and conditions of employment, or any accrued entitlement to employment benefits, of a person whose employment is transferred under the transfer regulation.
- (6) In this section—
employee includes a person engaged under a contract of service.

102DA Effect on legal relationships

- (1) Nothing done under this division or a transfer regulation—
- (a) makes a person liable for a civil wrong or a contravention of a law or for a breach of a contract or confidence; or
 - (b) makes a person liable in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right or liability or the disclosure of information; or
 - (c) except as provided for under a transfer regulation, is taken to fulfil a condition that—
 - (i) terminates, or allows a person to terminate, an instrument or obligation; or
 - (ii) modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or

- (iii) allows a person to avoid or enforce an obligation or liability contained in an instrument or requires a person to perform an obligation contained in an instrument; or
 - (iv) requires any money to be paid before its stated maturity; or
 - (d) releases a surety or other obligee, wholly or partly, from an obligation; or
 - (e) except as provided for under a transfer regulation, entitles a person to the payment of compensation or another amount.
- (2) If, apart from this subsection, the advice, consent or approval of a person would be necessary to do something under this division or a transfer regulation, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.
- (3) If, apart from this subsection, giving notice to a person would be necessary to do something under this division or a transfer regulation, the notice is taken to have been given.

Division 10 Miscellaneous

102DB Obtaining criminal history report of person

- (1) This section applies in relation to a person who—
- (a) is either of the following—
 - (i) an executive officer or business associate of an applicant;
 - (ii) an executive officer or business associate of the Organisation; and

- (b) has given written consent for the chief executive to obtain the person's criminal history.
- (2) The chief executive may ask the police commissioner for a written report about the person's criminal history, including a brief description of the circumstances of any conviction mentioned in the person's criminal history.
- (3) After receiving the request, the police commissioner must give the report about the person's criminal history to the chief executive.
- (4) However, the duty imposed on the police commissioner applies only to information in the commissioner's possession or to which the commissioner has access.

102DC Confidentiality of criminal history information

- (1) This section applies to a person who possesses criminal history information because the person is or has been a person involved in administering this Act, including, for example, a public service employee.
- (2) The person must not use or, directly or indirectly, disclose to another person the criminal history information unless the use or disclosure is permitted under subsection (3).

Maximum penalty—100 penalty units.

- (3) The person may use or disclose to another person the criminal history information if the use or disclosure is—
 - (a) in the performance of a function or exercise of a power under this Act; or
 - (b) otherwise required or permitted by law; or

- (c) with the consent of the person to whom the criminal history information relates.
- (4) A person who possesses a report given to the chief executive under section 102DB must ensure the report is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.
- (5) In this section—
criminal history information means information contained in a report given to the chief executive under section 102DB.

102DD Corporations Act displacement

A provision of this part, to the extent the provision is incapable of concurrent operation with a provision of the Corporations Act, is declared to be a Corporations legislation displacement provision for section 5G of that Act.

Note—

Section 5G of the Corporations Act provides that if a State law declares a provision of a law of a State to be a Corporations legislation displacement provision, any provision of the Corporations legislation with which the State provision would otherwise be inconsistent does not apply to the extent necessary to avoid the inconsistency.

12 Amendment of s 243 (Obstructing authorised person)

- (1) Section 243, heading, ‘Obstructing’—

omit, insert—

Obstruction of

- (2) Section 243(3)—

omit.

13 Amendment of s 245 (Definitions for chapter)

Section 245, definition *prescribed provision*, paragraph (b),
'chapter 4, part 5, division 5'—

omit, insert—

chapter 4, part 5, division 7

14 Insertion of new ch 16, pt 7

Chapter 16—

insert—

Part 7 **Transitional provisions
for Waste Reduction
and Recycling
(Strengthening the
Container Refund
Scheme) Amendment
Act 2026**

338 Definitions for part

In this part—

current Organisation see section 339(1).

new, in relation to a provision of this Act, means
the provision as in force from the commencement.

339 Company appointed before commencement

- (1) The appointment of a company as the Product Responsibility Organisation (the ***current Organisation***) in effect immediately before the commencement continues under new chapter 4, part 5 as provided under this part.
- (2) The appointment of the current Organisation ends on the day that is 3 years after the

commencement, unless the appointment of the current Organisation is renewed under new chapter 4, part 5, division 6.

- (3) Subsection (1) applies despite new sections 102AE(c), 102AF and 102AG.

339A Status of Organisation as unit of public administration

- (1) To remove any doubt, it is declared that the current Organisation has always been a unit of public administration under the *Crime and Corruption Act 2001*, to the extent the current Organisation was performing a function of the Product Responsibility Organisation.
- (2) Without limiting subsection (1), anything done or omitted to be done by the Crime and Corruption Commission or any other entity that would have been valid and lawful had new section 102AO been in force from when former section 99J commenced is taken to be, and always to have been, valid and lawful for all purposes, including, for example, an investigation or proceeding started before or after the commencement.
- (3) In this section—
former section 99J means section 99J as in force from time to time before the commencement.

340 Constitution of current Organisation

- (1) The constitution of the current Organisation in effect on the commencement is, for the period of 3 months after the commencement, taken to comply with section 102AF.
- (2) The current Organisation must, within the period mentioned in subsection (1), amend the constitution so that the constitution complies with section 102AF.

341 Term of appointment of directors appointed before commencement

- (1) This section applies to a person who is a director of the board of the current Organisation immediately before the commencement.
- (2) The person's appointment as a director of the board ends on the earlier of the following days—
 - (a) the day the person's appointment ends under the terms of the appointment or under this Act;
 - (b) the day that is 18 months after the commencement.
- (3) Any period the person held office in the current Organisation as a director before or after the commencement must be included in working out the number of years under section 102AH(3).
- (4) No compensation or other amount is payable to any person because of this section.
- (5) This section has effect despite—
 - (a) any Act or law; or
 - (b) any provision of any document, including, for example, an appointment, contract or arrangement.

342 Particular corporate documents prepared before commencement

- (1) This section applies to a budget, strategic plan or operational plan (each a *current document*) of the current Organisation that is in effect for the financial year in which this section commences.
- (2) The current document is taken to be the corresponding corporate document for the financial year.
- (3) Subsection (2) applies despite new sections 102BP and 102BQ.

(4) In this section—

corresponding corporate document, in relation to a current document, means the corporate document mentioned in new section 102BO(1) that corresponds or substantially corresponds to the current document.

343 Particular corporate documents not required for financial year on commencement

New section 102BO(1)(d) to (j) does not apply for the financial year in which this section commences.

344 First annual general meeting of current Organisation

The first annual general meeting of the current Organisation is taken to have been held on 30 September 2018.

345 Records created or received before commencement

- (1) This section applies to a document created or received by the current Organisation in the performance of the current Organisation's functions under this Act before the commencement.
- (2) For new section 102CD, the document is taken to have been created or received by the current Organisation on the commencement.

346 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature about any matter—

- (a) for which it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act as in force before the commencement to the operation of this Act as in force after the commencement; and
 - (b) for which this Act does not provide or sufficiently provide.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
 - (3) A transitional regulation must declare it is a transitional regulation.
 - (4) This section and any transitional regulation expire 2 years after this section commences.

15 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definitions *amendment application*, *applicant*, *container refund scheme*, *criminal history*, *eligible company*, *eligible individual*, *Organisation*, *proposed action*, *scheme*, *show cause notice* and *show cause period*—

omit.

- (2) Schedule 1—

insert—

amendment application, for chapter 8, part 3, see section 173M(1).

applicant, for chapter 4, part 5, see section 102AR.

board, for chapter 4, part 5, see section 102AB.

corporate document, for chapter 4, part 5, see section 102BO(1).

criminal history, of a person, for chapter 4, part 5, see section 102AB.

disclose includes give access to.

eligible company, for chapter 4, part 5, see section 102AE.

eligible individual, for chapter 4, part 5, see section 102AB.

former Organisation, for chapter 4, part 5, division 9, see section 102CX.

independent auditor, in relation to an audit, for chapter 4, part 5, see section 102AB.

member, of a company, for chapter 4, part 5, see section 102AB.

new Organisation, for chapter 4, part 5, division 9, see section 102CX.

obstruct includes hinder, resist, attempt to obstruct and threaten to obstruct.

Organisation see section 102AD(2).

proposed action, for chapter 8A, see section 173ZB(1).

relevant entity, for chapter 4, part 5, division 9, see section 102CX.

relevant transfer day, for chapter 4, part 5, division 9, see section 102CX.

scheme see section 99I.

scheme agreement means—

- (a) a container collection agreement; or
- (b) a container recovery agreement; or
- (c) a material recovery agreement.

show cause notice—

- (a) for chapter 8A, see section 173ZB(2); or
- (b) for chapter 11, see section 246(2).

show cause period, for chapter 8A, see section

173ZB(3)(f).

transferee, for a matter transferred under a transfer regulation, for chapter 4, part 5, division 9, see section 102CX.

transferor, for a matter transferred under a transfer regulation, for chapter 4, part 5, division 9, see section 102CX.

transfer regulation, for chapter 4, part 5, division 9, see section 102CY.

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