NORTHERN TERRITORY OF AUSTRALIA

ENVIRONMENT PROTECTION (BEVERAGE CONTAINERS AND PLASTIC BAGS) ACT 2011

As in force at 31 October 2025

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 31 October 2025

ENVIRONMENT PROTECTION (BEVERAGE CONTAINERS AND PLASTIC BAGS) ACT 2011

An Act to establish a beverage container deposit scheme and to regulate the supply of plastic bags

Part 1 Introduction

1 Short title

This Act may be cited as the *Environment Protection (Beverage Containers and Plastic Bags) Act 2011*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Object of Act

The object of this Act is to minimise environmental pollution by:

(a) establishing a container deposit scheme to:

(i) reduce beverage container waste by providing communities throughout the whole of the Territory, as far as practicable, with access to facilities for the collection of empty containers and the payment of refund amounts; and

(ii) increase resource recovery, reuse and recycling; and

(b) regulating the supply of single use, non-biodegradable plastic bags.

4 Definitions

In this Act:

accepted container means:

(a) in relation to a CDS coordinator – a container that has been accepted by the coordinator from the operator of an approved collection depot as required under section 20; or

(b) in relation to the operator of an approved collection depot – a container that has been accepted by the operator as required under section 18.

acting in an official capacity, in relation to an authorised officer, means the officer is exercising powers or performing functions under, or otherwise related to the administration of, this Act.

administration, of this Act, includes enforcement.

approved collection depot, means a collection depot for which a collection approval is in force.

approved form means a form approved under section 85.

approved refund marking, for a regulated container, means a marking or labelling about the refund amount prescribed by regulation for the container.

Australian Standard means a standard published by Standards Australia Limited ABN 85 087 326 690.

authorised officer, see section 87(1).

beverage, see section 7.

beverage retailer, see section 8.

biodegradable bag, see section 52.

CDS, see section 10.

CDS approval means a collection approval or coordinator approval.

CDS coordinator means:

(a) a person who, whether personally or through an agent:

(i) coordinates the activities of CDS participants under the CDS; and

(ii) collects, handles and delivers for reuse, recycling or other appropriate disposal, regulated containers received from collection depots; or

(b) a person who carries on activities of a kind prescribed by regulation.

CDS participant means each of the following:

(a) a CDS coordinator or operator of a collection depot;

(b) a manufacturer, distributor or beverage retailer of regulated containers;

(c) others carrying out activities relating to the collection, reuse, recycling or other appropriate disposal of regulated containers.

CDS supplier means a person who is registered as a CDS supplier under Part 2, Division 6A.

CEO means the Chief Executive Officer.

collection approval means an approval under Part 2, Division 6 to operate a collection depot.

collection depot means a facility or premises for the collection and handling of regulated containers delivered to the facility or premises in consideration of the payment of refund amounts for containers, and includes:

(a) a reverse vending machine; and

(b) another facility or premises of a kind prescribed by regulation.

Commonwealth CCA means the *Competition and Consumer Act 2010* (Cth).

condition, for Part 2, Division 6, Subdivision 2, see section 29.

connected, for Part 4, see section 61.

container, see section 6.

container identification document, see section 41D(1)(c)(i).

contaminated, in relation to a container, means the container:

(a) is unclean; or

(b) is affected by a contaminant, including, for example, oil, paint, sand and stones.

coordinator approval means an approval under Part 2, Division 6 to carry on business as a CDS coordinator.

coordinator arrangement means a waste management arrangement made between CDS coordinators.

corresponding jurisdiction means a jurisdiction in which a corresponding law is in force.

corresponding law means a law of a State or another Territory that:

(a) establishes a scheme:

(i) regulating the supply of beverage containers; and

(ii) providing for the payment of refunds on the return of empty beverage containers to collection depots; and

(b) is declared by regulation to be a corresponding law.

manufacturer includes a person who fills containers, or imports containers, for sale in the Territory.

material type, of a permitted container, see section 8A.

occupier, for Part 4, see section 60.

on, for Part 4, see section 60.

operator, of a collection depot, means the entity carrying out the functions of the depot.

operator arrangement means a waste management arrangement made between an operator of an approved collection depot and a CDS coordinator.

permitted container means a regulated container that:

(a) is supplied in the Territory by a CDS supplier; and

(b) bears the approved refund marking.

phase out period, see section 53(1).

place, for Part 4, see section 60.

premises, for Part 4, see section 60.

prohibited plastic bag, see section 51.

prohibition day, see section 53(2).

quarter means each 3 month period during a financial year.

refund amount, for a permitted container, means the amount prescribed by regulation for the container.

registration means registration as a CDS supplier under Part 2, Division 6A.

regulated container means a container to which the CDS applies.

*Note for definition **regulated container***

Under section 9, containers may be exempted by regulation from the application of the CDS. Under section 42 of the Interpretation Act, a regulation may exempt a class of containers, including, for example, containers made of certain materials and containers used for certain beverages.

reverse vending machine means a device that:

(a) accepts empty permitted containers by scanning the barcode on the containers or in another way recognises containers as permitted containers; and

(b) dispenses the refund amount for the containers placed in the device.

review notice, for a decision, means a written notice stating:

(a) the decision; and

(b) the reasons for the decision; and

(c) the fact that an application may be made to NTCAT for review of the decision.

sell includes:

(a) supply on a gratuitous basis for commercial promotional purposes; and

(b) offer or display for sale or such supply.

start, of the CDS, means the date on which Part 2 commences.

supplier arrangement means a waste management arrangement made between a person who is, or intends to apply to become, a CDS supplier and a CDS coordinator.

supplier sales document, see section 41D(1)(c)(ii).

variation, for Part 2, Division 6, Subdivision 2, see section 29.

waste management arrangement, see section 11.

Note for section 4

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

5 Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 5

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

Part 2 Container deposit scheme

Division 1 Basic concepts

6 Meaning of *container*

(1) A ***container*** is:

(a) a container that:

(i) is made to contain a beverage; and

(ii) when filled with the beverage, is sealed for storage, transport and handling before its sale or delivery for the use or consumption of its contents; or

(b) a container of a kind prescribed by regulation.

(2) However, a container does not include a thing prescribed by regulation.

7 Meaning of *beverage*

(1) A ***beverage*** is a liquid intended for human consumption by drinking.

(2) However, a liquid of a kind prescribed by regulation is not a beverage.

8 Meaning of *beverage retailer*

(1) A ***beverage retailer*** is a person whose business is, or includes, selling a beverage for the use or consumption of the beverage.

(2) A ***beverage retailer*** includes:

(a) a person who is the owner of a vending machine used to sell a beverage unless the owner has let out (whether by lease, hire or other agreement) the machine to another person (the ***hirer***); and

(b) the hirer.

8A Meaning of *material type*

(1) The ***material type***, of a permitted container, is the type of material from which the container is manufactured, including, for example, plastic, aluminium, glass and liquid paper board.

(2) A reference in this Act to the material type of a permitted container includes a reference to a category of the material type, including, for example:

(a) coloured plastic and clear plastic; and

(b) coloured glass and clear glass.

9 Containers exempted from application of CDS

The CDS does not apply to containers prescribed by regulation.

Division 2 Establishment of CDS and waste management arrangements

10 CDS established

(1) This Part establishes a container deposit scheme (the ***CDS***).

(2) The matters covered by the CDS to achieve the object of minimising environmental pollution in the ways mentioned in section 3(a)(i) and (ii) include the following:

(a) the prohibition of the supply in the Territory of regulated containers unless they are supplied by a CDS supplier and meet the following requirements:

(i) the material types of the containers (including the labels) are suitable for recycling or reuse;

(ii) the containers bear the approved refund marking;

(iii) the way the refund marking is applied to the containers is not likely to render the containers unsuitable for recycling or reuse;

(iv) the containers are the subject of a supplier arrangement to which the supplier is a party;

(b) the sorting, by operators of approved collection depots, of empty permitted containers of any beverage products:

(i) by material type; and

(ii) regardless of the product names displayed on the containers;

(c) the making of waste management arrangements between CDS participants that are appropriate for the CDS;

(d) the granting of CDS approvals and the imposition of conditions on those approvals;

(da) the registration of persons as CDS suppliers and the imposition of conditions on registration;

(e) the delivery, by any members of the community, of empty permitted containers to approved collection depots throughout the Territory for a refund of the refund amount for the containers;

(f) the acceptance by operators of approved collection depots of empty permitted containers delivered to the depots and the method of payment of refund amounts for the containers;

(g) the acceptance by CDS coordinators of empty permitted containers of any beverage products:

(i) delivered to the coordinators by operators of approved collection depots; and

(ii) sorted by the operators before delivery by material type, regardless of the product name displayed on the containers;

(h) the payments to be made by CDS coordinators to operators of approved collection depots in relation to empty permitted containers accepted by the coordinators.

(3) The CDS does not require beverage retailers to:

(a) accept delivery of empty containers; or

(b) pay the refund amount in exchange for delivered containers.

Note for subsection (3)

A beverage retailer may, however, obtain a collection approval to operate a collection depot, for example, a reverse vending machine at the retailer's premises for the payment of refund amounts for containers.

11 Waste management arrangements generally

(1) A ***waste management arrangement*** is a written arrangement that:

(a) is made between 2 or more CDS participants; and

(b) relates to permitted containers or regulated containers, or both, as appropriate to the particular participants.

(2) A waste management arrangement must include provisions dealing with the following matters, as relevant to the particular CDS participants:

(a) the collection, sorting, aggregation and transportation of the containers when empty;

(b) the reuse, recycling or other appropriate disposal of the containers when empty;

(c) the minimisation of the handling and sorting of the containers when empty;

(d) payments of the refund amount and other amounts to be made by a CDS coordinator to an operator of a collection depot in relation to the containers accepted by the coordinator;

(e) payments to be made by a CDS supplier to a CDS coordinator in relation to dealing with the containers accepted by the coordinator;

(f) a dispute resolution process for settling disputes between the parties to the arrangement;

(g) matters prescribed by regulation.

(3) A waste management arrangement may include provisions, not inconsistent with this Act, dealing with other matters.

(4) All the provisions of a waste management arrangement must be appropriate for the CDS.

12 Coordinator arrangement

(1) Each CDS coordinator must make a waste management arrangement with each other CDS coordinator.

(2) A coordinator arrangement may be made by:

(a) all of the CDS coordinators entering into one arrangement; or

(b) any of the CDS coordinators entering into an arrangement with any of the other coordinators in a way that ensures all of the arrangements have the effect of one arrangement between all of the coordinators.

(3) A coordinator arrangement must include provisions that contain the agreements specified in Schedule 1.

(4) An agreement made as specified in Schedule 1 is taken to form part of the coordinator arrangement.

(5) For section 51(1)(d)(i) of the Commonwealth CCA and with reference to section 51(1C)(e) of that Act, CDS coordinators are authorised to:

(a) make a coordinator arrangement; and

(b) include in the coordinator arrangement provisions that:

(i) deal with the matters mentioned in section 11(2); and

(ii) contain the agreements specified in Schedule 1; and

(c) give effect to the coordinator arrangement.

Note for subsection (5)

The effect of this subsection is that anything mentioned in paragraphs (a) to (c) that is done by a CDS coordinator is not to be regarded in deciding whether the coordinator has contravened Part IV of the Commonwealth CCA.

(6) This section does not limit section 11.

Division 3 Supply of beverages in regulated containers

13 Supply of regulated container to beverage retailer

(1) A person commits an offence if:

(a) the person is not a CDS supplier; and

(b) the person intentionally supplies a beverage to another person (the ***recipient***); and

(c) the beverage is in a regulated container and the recipient is a beverage retailer who intends to sell the beverage and the person has knowledge of those circumstances.

Maximum penalty: 400 penalty units.

(2) Strict liability applies to subsection (1)(a).

(3) A person commits an offence if:

(a) the person intentionally supplies a beverage to another person (the ***recipient***); and

(b) the beverage is in a regulated container and the recipient is a beverage retailer who intends to sell the beverage and the person has knowledge of those circumstances; and

(c) the container does not meet the requirements specified in section 10(2)(a) and the person is reckless in relation to that circumstance.

Maximum penalty: 400 penalty units.

(4) A person must not supply a beverage in a regulated container to a beverage retailer for sale by the retailer unless:

(a) the person is a CDS supplier; and

(b) the container meets the requirements specified in section 10(2)(a).

Maximum penalty: 100 penalty units.

(5) An offence against subsection (4) is an offence of strict liability.

14 Beverage retailer sale of beverages in permitted container

(1) A beverage retailer must not sell a beverage in a regulated container unless the container is a permitted container.

Fault elements:

The retailer:

(a) intentionally sells the beverage in a regulated container; and

(b) is reckless as to whether the container is a permitted container.

Maximum penalty: 400 penalty units.

(2) A beverage retailer must not sell a beverage in a regulated container unless the container is a permitted container.

Maximum penalty: 100 penalty units.

(3) An offence against subsection (2) is an offence of strict liability.

Division 4 Approval requirements for CDS participants

15 Approval required for CDS coordinator

A person must not carry on business as a CDS coordinator unless the person is the holder of a coordinator approval.

Fault element: The person intentionally carries on business as a CDS coordinator.

Maximum penalty: 200 penalty units.

16 Approval required for collection depot operator

(1) A person must not operate a collection depot unless the person is the holder of a collection approval.

Fault element: The person intentionally operates a collection depot.

Maximum penalty: 200 penalty units.

(2) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

Division 5 Delivery, acceptance and disposal of containers and refund amounts

17 No refund for container purchased outside Territory or corresponding jurisdiction

(1) A person commits an offence if:

(a) the person delivers a permitted container to an approved collection depot for claiming the refund amount for the container; and

(b) the container:

(i) was not purchased in the Territory or a corresponding jurisdiction; or

(ii) was purchased before the start of the CDS.

Fault elements:

The person:

(a) intentionally delivers the container for claiming the refund amount; and

(b) is reckless as to whether the container was purchased:

(i) in the Territory or a corresponding jurisdiction; or

(ii) before the start of the CDS.

Maximum penalty: 200 penalty units.

(2) In a proceeding for an offence against subsection (1), the court must presume, in the absence of evidence to the contrary, the container:

(a) was not purchased in the Territory or a corresponding jurisdiction; or

(b) was purchased before the start of the CDS.

(3) The operator of an approved collection depot may ask a person delivering containers for claiming refund amounts to complete a declaration in the approved form stating the person has no reason to believe the containers:

(a) were not purchased in the Territory or a corresponding jurisdiction; and

(b) were purchased before the start of the CDS.

(4) The operator of an approved collection depot commits an offence if:

(a) within any 48 hour period, a person delivers to the depot more than the bulk quantity of containers for claiming refund amounts; and

(b) the operator does not ask the person to complete a declaration of a kind mentioned in subsection (3).

Maximum penalty: 20 penalty units.

(5) An offence against subsection (4) is an offence of strict liability.

(6) The operator of an approved collection depot commits an offence if the operator does not:

(a) keep each declaration made under this section (or a copy of the declaration) at the operator's place of business in the Territory for 3 years after the date of the declaration; or

(b) have the document mentioned in paragraph (a) available for inspection at all reasonable times by an authorised officer.

Maximum penalty: 20 penalty units.

(7) An offence against subsection (6) is an offence of strict liability.

(8) In this section:

bulk quantity, of containers, means:

(a) 1 500 containers; or

(b) if another quantity is prescribed by regulation – the other quantity.

18 Acceptance of empty permitted containers by operator of collection depot

(1) Subject to subsections (4) and (6), the operator of an approved collection depot must accept an empty container, delivered to the depot by a person for claiming the refund amount, if the container:

(a) is a permitted container; and

(b) was purchased in the Territory, or a corresponding jurisdiction, after the start of the CDS.

Maximum penalty: 50 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

(3) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

(4) The operator is not required to accept an empty container delivered to the collection depot if any of the following circumstances apply:

(a) the operator is unable:

(i) to verify that the container was supplied by a CDS supplier; or

(ii) to identify the approved refund marking on the container (for example, because the container is crushed or the label has been removed or is illegible);

(b) the container is contaminated;

(c) the container has a removable lid on it;

(d) the operator has asked for a declaration under section 17(3) for the container and the request has not been complied with;

(e) a circumstance stated in the collection approval relating to the approved depot.

(5) However, the operator of the collection depot must not refuse to accept an empty container in a circumstance mentioned in subsection (4)(a) to (e) if the waste management arrangement relating to containers delivered to that collection depot requires acceptance in that circumstance.

(6) Before accepting empty permitted containers at a collection depot for payment of the refund amount, the operator may require the person delivering the containers to sort them by material type.

19 Payment of refund amount by operator of collection depot

(1) The operator of an approved collection depot must pay a refund amount:

(a) for a permitted container the operator is required to accept under section 18(1); and

(b) to the person who delivered the container to the depot; and

(c) in accordance with subsection (3).

Maximum penalty: 50 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

(3) A refund amount for an empty permitted container must be paid in cash or in another way prescribed by regulation.

20 Acceptance of and payment for empty permitted containers by CDS coordinator

(1) This section applies if:

(a) the operator of an approved collection depot delivers to a CDS coordinator empty permitted containers of any beverage products:

(i) that have been sorted by material type, regardless of the product names displayed on the containers; and

(ii) for which the operator has paid a refund amount under section 19(1); and

(b) there is an operator arrangement between the operator and coordinator in relation to permitted containers; and

(c) the operator claims from the coordinator a refund amount for the containers and other amounts payable in accordance with the operator arrangement (***related amounts***).

(2) The CDS coordinator must accept the permitted containers unless any of the following circumstances apply:

(a) the coordinator is unable:

(i) to identify the container as being a permitted container; or

(ii) to be satisfied the container was purchased in the Territory, or a corresponding jurisdiction, after the start of the CDS;

(b) the container is contaminated;

(c) the container has a removable lid on it.

(3) However, the CDS coordinator must not refuse to accept a container in a circumstance mentioned in subsection (2)(a) to (c) if the operator arrangement requires acceptance in that circumstance.

(4) The CDS coordinator must pay the operator the refund amount and related amounts in accordance with the operator arrangement.

20A Disposal of accepted container

(1) A person commits an offence if:

(a) the person is a CDS coordinator or the operator of an approved collection depot; and

(b) the person intentionally disposes of, or arranges the disposal of, a container; and

(c) the container is an accepted container and the person is reckless in relation to that circumstance.

Maximum penalty: 400 penalty units.

Examples for subsection (1)(b)

The person takes the container to a rubbish disposal or landfill site or buries or burns it.

(2) Strict liability applies to subsection (1)(a).

(3) A CDS coordinator or the operator of an approved collection depot commits an offence if the coordinator or operator disposes of, or arranges the disposal of, an accepted container.

Maximum penalty: 100 penalty units.

Examples for subsection (3)

The person takes the accepted container to a rubbish disposal or landfill site or buries or burns it.

(4) An offence against subsection (3) is an offence of strict liability.

(5) It is a defence to a prosecution for an offence against subsection (1) or (3) if the defendant has a reasonable excuse.

(6) For subsections (1) and (3):

(a) a container is taken not to be disposed of if the container is recycled, reused or otherwise disposed of in a way authorised by the Minister; and

(b) a container is not taken to be disposed of by the operator of an approved collection depot if it is delivered by the operator to a CDS coordinator and accepted by the coordinator.

Note for subsection (6)(a)

Under section 49A, the Minister may issue guidelines authorising other methods of disposal.

20B Accepted container becoming unsuitable for recycling or reuse

(1) A person commits an offence if:

(a) the person is a CDS coordinator; and

(b) the person intentionally possesses a container; and

(c) the container is an accepted container; and

(d) the person intentionally engages in conduct; and

(e) the conduct results in the container becoming unsuitable for recycling, reuse or other disposal authorised by the Minister and the person is reckless in relation to that result.

Maximum penalty: 200 penalty units.

(2) A person commits an offence if:

(a) the person is the operator of an approved collection depot; and

(b) the person intentionally possesses a container; and

(c) the container is an accepted container; and

(d) the person intentionally engages in conduct; and

(e) the conduct results in the container becoming unsuitable for recycling or reuse and the person is reckless in relation to that result.

Maximum penalty: 200 penalty units.

(3) Strict liability applies to subsections (1)(a) and (c) and (2)(a) and (c).

(4) A CDS coordinator commits an offence if an accepted container in the possession of the coordinator becomes unsuitable for recycling, reuse or other disposal authorised by the Minister.

Maximum penalty: 50 penalty units.

(5) The operator of an approved collection depot commits an offence if an accepted container in the possession of the operator becomes unsuitable for recycling or reuse.

Maximum penalty: 50 penalty units.

(6) An offence against subsection (4) or (5) is an offence of strict liability.

(7) It is a defence to a prosecution for an offence against subsection (1), (2), (4) or (5) if the defendant has a reasonable excuse.

Division 6 CDS approvals

Subdivision 1 Application process for CDS approvals

21 Making application

(1) An application for a CDS approval must be:

(a) made in the approved form to the CEO; and

(b) accompanied by:

(i) a copy of each waste management arrangement relevant to the approval; and

(ii) in relation to an application for a coordinator approval – a copy of the agreements mentioned in section 12(3) entered into by the parties to the agreement; and

(iii) any additional information to enable the CEO to decide the application.

(3) If the application is for a collection approval, the application must state the days and times during which it is proposed to open the collection depot to the public.

22 CEO may require further information

The CEO may, by written notice, require the applicant to give the CEO further documents or information within the reasonable period stated in the notice.

23 Deciding application

(1) The CEO must consider the application and decide whether or not to grant a CDS approval.

(2) The CEO may grant a CDS approval in relation to a collection approval only if the CEO has taken into account the proposed location of the collection depot and is satisfied the depot will be:

(a) accessible to the general public in that location; and

(b) open on a consistent and regular basis.

24 Conditions of CDS approval generally

A CDS approval is subject to the following conditions:

(a) the holder of the CDS approval must have in place one or more waste management arrangements relevant to the approval;

(b) if a waste management arrangement relevant to the CDS approval is varied or replaced, the holder of the approval must give the varied or replacement arrangement to the CEO if requested by the CEO;

(c) the conditions mentioned in section 24B or 24C that are relevant to the approval;

(d) any other conditions imposed by the CEO and stated in the approval.

24B Condition of collection approval

It is a condition of a collection approval that the operator of the approved collection depot must ensure, as far as reasonably practicable in the circumstances applicable to the depot, that the depot is:

(a) accessible to the general public; and

(b) open to the general public on a consistent and regular basis.

24C Conditions of coordinator approval

The following conditions are imposed on a coordinator approval:

(a) if the CDS coordinator has made a supplier arrangement – the coordinator must, within 7 days after receiving a container identification document from the CDS supplier, give a copy of that document to:

(i) each other CDS coordinator; and

(ii) each operator with whom the coordinator has an operator arrangement;

(b) if the coordinator is given a copy of another coordinator's container identification document – the coordinator must, within 7 days after receiving the copy, give a further copy to each operator of an approved collection depot with whom the

coordinator has an operator arrangement;

(c) the coordinator must not require an operator to sort empty permitted containers into more than the number of material types prescribed by regulation;

(d) the coordinator must have in place adequate facilities and arrangements to ensure the coordinator is able to accept all empty permitted containers the coordinator is required to accept under section 20;

(e) the coordinator must not refuse to accept empty permitted containers for the reason only that the containers have not been sorted by reference to the product names they display;

(f) the coordinator must not, before accepting empty permitted containers, require an operator to sort the containers by reference to the product names they display.

25 Notice of decision on application

(1) If the CEO grants an application for an approval, the CEO must give the applicant notice of the decision.

(2) The notice must state the conditions to which the approval is subject under section 24.

(3) If the approval is subject to a condition imposed under section 24(d), the CEO must also give the applicant a review notice for the decision to impose the condition.

(4) If the CEO refuses an application for an approval, the CEO must give the applicant a review notice for the refusal.

26 Duration of approval

A CDS approval remains in force for the period, not exceeding 5 years, stated in it.

27 Renewal of approval

(1) An application for the renewal of a CDS approval must be made by the holder of the approval.

(2) This Division applies (with the necessary changes) to the application as if it were an application for a CDS approval.

(3) If the application is made before the CDS approval ends, the approval continues in force until the application is decided.

28 Approval not transferable

A CDS approval is not transferable by the holder of the approval.

Subdivision 2 Variation of conditions of CDS approvals

29 Definitions

In this Division:

condition, of an approval, means a condition of the approval imposed by the CEO.

variation, of a condition of CDS approval, means:

(a) amend an existing condition of the approval; or

(b) impose a new condition of the approval; or

(c) remove an existing condition of the approval.

30 Variation of conditions – CEO's initiative

(1) The CEO may decide to vary the conditions of a CDS approval if:

(a) an amendment to, or replacement of, a waste management arrangement relevant to the approval requires it; or

(b) the CEO becomes aware of information that, had it been known at the time the approval was granted or renewed, would have resulted in the CEO imposing different conditions on the approval.

(2) Before deciding to vary the conditions, the CEO must:

(a) give written notice to the holder of the approval:

(i) of the particulars of the proposed variation; and

(ii) that the holder may make written submissions to the CEO about the proposed variation within a reasonable period of at least 21 days stated in the notice; and

(b) have regard to written submissions made to the CEO by the holder before the stated day.

(3) If the CEO decides to vary the conditions of the approval, the CEO must immediately give the holder a review notice for the decision.

31 Variation of conditions – application by holder

(1) The holder of a CDS approval may apply to the CEO for the variation of conditions of the approval.

(2) The application must be:

(a) in the approved form; and

(b) accompanied by sufficient documents and information to enable the CEO to decide the application, including the documents and information stated in the approved form.

32 CEO may require further information

The CEO may, by written notice, require the applicant to give the CEO further documents or information within the reasonable period stated in the notice.

33 Consideration of application

(1) The CEO must consider the application and grant or refuse to grant it.

(2) The CEO must refuse to grant the application unless satisfied the approval could be granted subject to the varied conditions.

34 Notice of decision on application

(1) If the CEO decides to vary the conditions of the approval, the CEO must immediately give the holder written notice for the decision.

(2) If the CEO refuses to grant the application, the CEO must immediately give the holder a review notice for the decision.

35 Failure to decide application

The CEO is taken to have refused the application if the CEO does not decide the application within 30 days after:

(a) the application is made; or

(b) if the CEO gives the applicant notice to give the CEO further documents or information – the end of the period stated in the notice for giving the document or information.

36 When variation of conditions takes effect

The variation of conditions of a CDS approval takes effect on:

(a) the day notice of the decision is given to the holder of the approval; or

(b) the later day of effect stated in the notice.

Subdivision 3 Suspension and cancellation of CDS approvals

37 Grounds for suspending or cancelling approval

Each of the following is a ground for suspending or cancelling a CDS approval:

(a) the holder of the approval has contravened a provision of this Act;

(b) the holder of the approval has failed to comply with:

(i) a condition of the approval; or

(ii) a waste management arrangement relevant to the approval;

(c) the holder of the approval has failed to achieve a target within the period stated in a notice given to the holder under section 49(3);

(d) waste management arrangement relevant to the approval can no longer operate according to its provisions;

(e) the CEO becomes aware of information that, had it been known at the time the application for approval or renewal of approval was made, would have given a reason for refusing the application.

38 Show cause notice

(1) If the CEO believes a ground exists to suspend or cancel a CDS approval, the CEO must give the holder of the approval written notice under this section.

(2) The notice must state the following:

(a) the action (the ***proposed action***) the CEO proposes taking under this Division;

(b) the grounds for the proposed action;

(c) an outline of the facts and circumstances forming the basis for the grounds;

(d) if the proposed action is suspension of the approval – the proposed suspension period;

(e) an invitation to the holder to show cause within a period stated in the notice (being at least 7 days after the date of the notice) why the proposed action should not be taken.

39 Representations about show cause notices

(1) The holder of the approval may make written representations about the show cause notice to the CEO in the period stated in the notice.

(2) The CEO must consider all written representations made under subsection (1) (the ***accepted representations***).

40 Ending show cause process without further action

If, after considering the accepted representations for the show cause notice, the CEO no longer believes a ground exists to suspend or cancel the approval the CEO:

(a) must not take any further action about the show cause notice; and

(b) must give written notice to the holder of the approval that no further action is to be taken about the show cause notice.

41 Suspension or cancellation

(1) This section applies if:

(a) after considering the accepted representations for the show cause notice, the CEO:

(i) still believes a ground exists to suspend or cancel the approval; and

(ii) believes suspension or cancellation of the approval is warranted; or

(b) there are no accepted representations for the show cause notice.

(2) The CEO may:

(a) if the proposed action stated in the show cause notice was to suspend the approval for a stated period – suspend the approval for not longer than the stated period; or

(b) if the proposed action stated in the show cause notice was to cancel the approval – either cancel the approval or suspend it for a period.

(3) The CEO must immediately give a review notice for the decision to the holder of the approval.

(4) The decision takes effect on:

(a) the day the review notice is given to the holder; or

(b) if a later day of effect is stated in the notice – the later day.

Division 6A Registration as CDS supplier

Subdivision 1 Application process for registration as CDS supplier

41A Making application

(1) Any of the following may apply to the CEO for registration as a CDS supplier:

(a) a manufacturer of containers;

(b) a distributor of containers;

(c) a beverage retailer whose business sells beverages in containers.

(2) The application must be made in the approved form.

41B CEO may require further information

The CEO may, by written notice, require the applicant to give the CEO further documents or information within the reasonable period stated in the notice.

41C Deciding application

(1) The CEO must consider the application and decide whether or not to grant registration to the applicant.

(2) The CEO must not grant registration unless the applicant has declared that:

(a) the applicant is a party to one or more supplier arrangements; and

(b) each supplier arrangement to which the applicant is a party:

(i) contains provisions that deal with the matters mentioned in section 11(2); and

(ii) does not contain provisions inconsistent with this Act; and

(iii) contains only provisions that are appropriate for the CDS; and

(c) each regulated container the applicant intends to supply in the Territory is or will be the subject of one or more of the supplier arrangements.

41D Conditions of registration

(1) The following conditions are imposed on registration:

(a) the CDS supplier must not supply regulated containers in the Territory unless:

(i) the material types of the containers (including the labels) are suitable for recycling or reuse; and

(ii) the containers bear the approved refund marking; and

(iii) the way the refund marking is applied to the containers is not likely to render the containers unsuitable for recycling or reuse; and

(iv) the containers are the subject of a supplier arrangement to which the supplier is a party;

(b) the CDS supplier must, at all times while registered, be a party to one or more supplier arrangements that meet the requirements specified in section 41C(2)(b);

(c) the CDS supplier must give each CDS coordinator with whom the supplier has a supplier arrangement the following:

(i) a document (a ***container identification document***) that, for each regulated container to which the arrangement relates and that is supplied for sale in the Territory, lists:

(A) if the container displays a barcode – the barcode of the container; or

(B) otherwise – the name of the manufacturer or distributor of the container and one or more of the relevant characteristics of the container;

(ii) within the prescribed period – a document for each quarter specifying the total number of regulated containers, by reference to material types, that have been sold by the supplier in the Territory during the quarter (a ***supplier sales document***);

(d) the CDS supplier must give the CEO written notice of the occurrence of any of the following events, within 5 business days after the event occurs:

(i) the supplier terminates or enters into a supplier arrangement;

(ii) the supplier ceases to supply regulated containers in the Territory;

(e) the CDS supplier must, on request, give the CEO a document that, for each regulated container that the supplier supplies for sale in the Territory, lists:

(i) if the container displays a barcode – the barcode of the container; or

(ii) otherwise – the name of the manufacturer or distributor of the container and one or more of the relevant characteristics of the container;

(f) the CDS supplier must, on request, give the CEO a copy of all waste management arrangements to which the supplier is a party;

(g) any other conditions imposed by the CEO and stated in the registration certificate.

(2) In this section:

prescribed period, for a quarter, means 21 days after the end of the quarter.

relevant characteristic, of a container, means any of the following:

(a) the name of the product the container is made to contain;

(b) the container contents when full;

(c) the container capacity;

(d) the container material.

41E Notice of decision

(1) If the CEO grants registration subject to a condition imposed under section 41D(1)(g), the CEO must give the applicant a review notice for the decision to impose the condition.

Note for subsection (1)

Under section 41M(1), the CEO is also required to issue a person with a registration certificate if the CEO grants registration.

(2) If the CEO refuses to grant registration, the CEO must give the applicant a review notice for the refusal.

41F Duration of registration

Registration is for a term of 10 years, unless it is sooner suspended or cancelled.

41G Renewal of registration

(1) A CDS supplier may apply for a renewal of the supplier's registration.

(2) This Division applies (with the necessary changes) to the application for renewal as if it were an application for registration.

(3) If the application is made before the registration ends, the registration continues in force until the application is decided.

41H Variation of conditions of registration

Part 2, Division 6, Subdivision 2 applies in relation to the conditions of a CDS supplier's registration as if a reference to:

(a) an approval or a CDS approval were a reference to the registration; and

(b) an approved waste management arrangement were a reference to a supplier arrangement; and

(c) the holder of a CDS approval were a reference to the CDS supplier.

41J Surrender of registration

A CDS supplier may surrender the supplier's registration by giving written notice to the CEO.

Subdivision 2 Suspension and cancellation of registration

41K Grounds for suspending or cancelling registration

Each of the following is a ground for suspending or cancelling a CDS supplier's registration:

(a) the supplier has contravened a provision of this Act;

(b) the supplier has failed to comply with:

(i) a condition of the supplier's registration; or

(ii) a supplier arrangement;

(c) the supplier has failed to achieve a target within the period stated in a notice given to the supplier under section 49(3);

(d) the CEO becomes aware of information that, had it been known at the time the application for registration or renewal of registration was made, would have given a reason for refusing the application;

(e) the supplier has ceased supplying regulated containers in the Territory;

(f) the supplier has notified the CEO that it has ceased supplying regulated containers in the Territory.

41L Suspension or cancellation of registration

(1) If the CEO believes a ground exists to suspend or cancel a CDS supplier's registration, sections 38 to 41 apply in relation to the registration as if a reference to:

(a) a CDS approval were a reference to the registration; and

(b) the holder of the approval were a reference to the supplier.

Note for subsection (1)

Registration may also be suspended or cancelled under section 44.

(2) Despite subsection (1), the CEO may cancel a CDS supplier's registration on the ground mentioned in section 41K(f) without first giving the supplier a show cause notice.

(3) If the CEO cancels a CDS supplier's registration under subsection (2), the following apply:

(a) the CEO must give the supplier written notice of the cancellation;

(b) the CEO is not required to give the supplier a review notice for the decision to cancel the registration;

(c) the cancellation takes effect on the day the notice mentioned in paragraph (a) is given to the supplier.

Subdivision 3 Administrative matters

41M Registration certificate

(1) The CEO must issue a person with a registration certificate if:

(a) the CEO grants registration, or a renewal of registration, to the person; or

(b) any of the details specified in the registration certificate change.

(2) A certificate of registration must be in the approved form and specify the following:

(a) the date the term of the registration starts;

(b) the date the term of the registration ends;

(c) any conditions imposed on the registration under section 41D(1)(g).

(3) A certificate of registration may be issued in a way decided by the CEO.

Example for subsection (3)

A certificate of registration may be issued electronically.

41N Register

(1) The CEO must establish and maintain a register in relation to CDS suppliers.

(2) The register must contain the following details for each CDS supplier:

(a) the name of the supplier;

(b) the business address of the supplier;

(c) the name of the supplier's contact person;

(d) the date the term of the supplier's registration started;

(e) the date the term of the supplier's registration ends;

(f) any conditions imposed on the supplier's registration under section 41D(1)(g).

(3) The register may contain any other information the CEO considers necessary or appropriate.

(4) The register may be kept in any form, including electronically.

41P Notice of change of details

(1) A CDS supplier must, within 30 days of a change in the supplier's name, address or contact person, give the CEO notice of the change and provide the new details.

Maximum penalty: 20 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

(3) In this section:

CDS supplier includes a CDS supplier whose registration is suspended.

Division 6B Miscellaneous matters

42 Contravention of condition

(1) A person commits an offence if:

(a) the person is the holder of a CDS approval or is a CDS supplier; and

(b) the person intentionally engages in conduct; and

(c) the conduct results in a contravention of a condition of the person's CDS approval or registration and the person is reckless in relation to that result.

Maximum penalty: 100 penalty units.

(2) Strict liability applies to subsection (1)(a).

43 Keeping records of CDS activities

(1) A person who is the holder of a CDS approval or a CDS supplier must keep records of the person's CDS activities in the approved form.

Maximum penalty: 20 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

44 Annual returns

(1) A person who is the holder of a CDS approval or a CDS supplier must in each year, before the date prescribed by regulation, give the CEO an annual return in the approved form.

Maximum penalty: 20 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

(3) If the person does not comply with subsection (1), the CEO may, by written notice, require the person to remedy the default within 14 days after giving the notice.

(4) If the person does not comply with the notice within the 14-day period, the person's CDS approval or registration is suspended until the notice is complied with.

(5) If the person does not comply with the notice within 6 months after the notice is given, the person's CDS approval or registration is cancelled.

(6) The CEO must give written notice of the suspension or cancellation to the person.

45 Sign at retail premises

(1) The CEO may, by written notice, require a beverage retailer of a beverage in a permitted container to ensure there is placed at the premises where the retailer supplies the beverage a sign stating:

(a) a refund amount will be paid for the delivery of an empty permitted container to an approved collection depot; and

(b) the location of approved collection depots in the vicinity of the premises.

(2) The retailer must comply with the notice.

Maximum penalty: 20 penalty units.

(3) An offence against subsection (2) is an offence of strict liability.

Division 7 Review of decisions

46 Review by NTCAT

(1) NTCAT has jurisdiction to review a decision (a ***reviewable decision***) of the CEO specified in Schedule 2.

(2) An ***affected person*** for a reviewable decision, is a person specified in Schedule 2 for the decision.

(3) An affected person for a reviewable decision may apply to NTCAT for review of the decision.

Note for section 46

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

Division 8 General

49 Minister may establish targets for reuse, recycling or other disposal of permitted containers

(1) The Minister:

(a) may establish targets for the reuse, recycling or other authorised disposal of permitted containers; and

(b) if targets are established – must publish them on the Agency's website.

(2) The targets may:

(a) apply generally to all CDS participants; or

(b) apply to particular classes of CDS participants; or

(c) set targets that must be achieved by the holders of a particular class of approvals or a particular class of CDS suppliers.

(3) If targets are established for subsection (2)(c), the Minister must give each holder of the class of CDS approval, or CDS supplier of the class of CDS suppliers, a notice stating:

(a) the targets to be achieved; and

(b) the period of time within which the holder or supplier is required to achieve the target; and

(c) that a failure to achieve a target is a ground for suspending or cancelling the CDS approval or the supplier's registration.

(4) The CEO must monitor compliance with established targets.

49A Guidelines

(1) The Minister may issue guidelines authorising specified methods of disposal of permitted containers.

(2) The Minister must publish the guidelines on the Agency's website.

50 Review of CDS

(1) Within 2 years after the start of the CDS, the Minister must review the kinds of containers to which the CDS applies.

(2) In addition, the Minister must review the operation of the CDS at intervals of 5 years after it starts.

(3) The Minister must table a copy of a report of a review in the Legislative Assembly within 6 sitting days after completing it.

Part 3 Plastic bags

Division 1 Basic concepts

51 Meaning of *prohibited plastic bag*

(1) A ***prohibited plastic bag*** is:

(a) a carry bag:

(i) the body of which comprises (in whole or part) polyethylene with a thickness of less than 35 microns; and

(ii) that has handles; or

(b) a bag of a kind prescribed by regulation.

(2) However, each of the following is not a prohibited plastic bag:

(a) a biodegradable bag;

(b) a plastic bag that is, or forms an integral part of, the packaging in which goods are sealed prior to sale;

(c) a bag of a kind prescribed by regulation.

52 Meaning of *biodegradable bag*

A ***biodegradable bag*** is a carry bag comprised of material of a type that:

(a) has been assessed and tested in accordance with the Australian Standard prescribed by regulation, as in force from time to time; and

(b) can be designated, in accordance with the Standard, as compostable.

53 Meaning of *phase out period* and *prohibition day*

(1) The ***phase out period*** is the period from the day this Part commences to the day immediately preceding the prohibition day.

(2) The ***prohibition day*** is the day prescribed by regulation.

54 Part does not apply to exempt person

This Part, or a provision of this Part, does not apply to a person exempted by regulation.

Division 2 Obligations of retailers and others

55 Retailer must make alternative bags available during phase out period

(1) A retailer commits an offence if, during the phase out period, the retailer:

(a) makes a prohibited plastic bag available to a customer for carrying goods purchased, or to be purchased, from the retailer; and

(b) is not able to provide an alternative bag to the customer on the customer's request.

Maximum penalty: 50 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

(3) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

(4) Subsection (1) does not prevent a retailer from charging a customer a fee for an alternative bag.

(5) In this section:

alternative bag means any of the following:

(a) a biodegradable bag;

(b) a carry bag designed to be used on a regular basis over a period of 2 years;

(c) a carry bag of a kind prescribed by regulation.

56 Retailer must display notices during phase out period

(1) A retailer commits an offence if, during the phase out period, the retailer:

(a) makes a prohibited plastic bag available at any premises to a customer for carrying goods purchased, or to be purchased, from the retailer; and

(b) does not display a notice in the premises in accordance with the requirements prescribed by regulation.

Maximum penalty: 50 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

(3) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

57 Obligations of retailer after phase out period

(1) A retailer must not, on or after the prohibition day, make a prohibited plastic bag available to a customer for carrying goods purchased, or to be purchased, from the retailer.

Maximum penalty: 50 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

(3) This section applies whether or not the customer is charged a fee for the prohibited plastic bag.

58 Manufacturers and distributors must not represent prohibited plastic bags are not prohibited plastic bags

A person commits an offence if the person:

(a) is a manufacturer or distributor of plastic bags; and

(b) sells, supplies or otherwise provides prohibited plastic bags to another person; and

(c) before, or in the course of, selling, supplying or providing the bags, represents to the other person that the bags are not prohibited plastic bags.

Fault elements:

The person:

(a) intentionally sells, supplies or provides the bags; and

(b) intentionally represents the bags are not prohibited plastic bags; and

(c) is reckless as to whether the bags are prohibited plastic bags.

Maximum penalty: 200 penalty units.

Division 3 General

59 Review of Part

(1) The Minister must, as soon as practicable after the second anniversary of the prohibition day, appoint a person to prepare a report on:

(a) the effect on the community of section 57; and

(b) the extent to which this Part has been effective in restricting the supply of prohibited plastic bags; and

(c) other matters the Minister considers to be relevant to the review.

(2) The person must report to the Minister within 6 months after the appointment.

(3) The Minister must table a copy of the report in the Legislative Assembly within 6 sitting days after receiving it.

Part 4 Enforcement

Division 1 Preliminary matters

60 Definitions

In this Part:

connected, see section 61.

occupier, of a place, means the person in occupation or control of the place, or if the place has different parts occupied or controlled by different persons, the person in occupation or control of the part concerned, and includes a person who reasonably appears to be an occupier of the place.

on, in relation to place, includes at and in the place.

place includes vacant land, premises and a vehicle.

premises includes:

(a) a building; and

(b) a part of a building; and

(c) land on which a building is situated.

61 When thing is *connected* with offence

For this Part, a thing is ***connected*** with an offence if:

(a) the offence has been committed in relation to the thing; or

(b) the thing will afford evidence of the commission of the offence; or

(c) the thing was used, is being used or is intended to be used for the purpose of committing the offence.

Division 2 Powers of authorised officers to enter places

62 Entry of place – general

(1) For the administration of this Act, an authorised officer may enter:

(a) a place (other than residential premises) at any reasonable time; or

(b) any place at any time:

(i) with the consent of the occupier of the place; or

(ii) under a search warrant issued under this Division for the place.

(2) An authorised officer who enters a place under subsection (1) must not remain on the place if the officer does not produce the officer's identity card when asked by the occupier of the place.

63 Consent to entry

(1) An authorised officer seeking the consent of an occupier of a place to the officer's entry into or onto the place must:

(a) if the officer is an appointed authorised officer – show the officer's identity card to the occupier; and

(b) give the occupier the reasons why entry is sought; and

(c) inform the occupier that the occupier may refuse to give consent.

(2) If:

(a) it is material in proceedings for a court to be satisfied the occupier consented to entry under this Part; and

(b) written consent of the occupier is not produced in evidence;

the court may presume, in the absence of evidence to the contrary, the occupier did not give consent.

64 Entry of place – search warrant

(1) An authorised officer may apply to a Local Court Judge, by information on oath, for a search warrant for a place if the officer believes on reasonable grounds that an offence against this Act is about to be, is being or has been committed on the place.

(2) The Judge may issue a search warrant only if satisfied about the matters set out in the information.

(3) The search warrant authorises the officer named in the warrant, and any other person assisting the officer, to enter the place and to exercise an authorised officer's powers under this Division.

(4) The search warrant must state:

(a) the purpose for which it is issued; and

(b) the nature of the offence or contravention for which the entry is authorised; and

(c) the hours during which entry to the place is authorised or state that the entry is authorised at any time of the day or night; and

(d) the date, within 30 days after the warrant's issue, the warrant ceases to have effect.

(5) The authorised officer executing the search warrant must, if asked by the occupier of the place or another person on the place, produce the warrant for the person's inspection.

65 Additional powers for entry of vehicle

(1) An authorised officer may enter a vehicle if the officer has reasonable grounds for suspecting:

(a) the vehicle is being, has been or is likely to be, used in the commission of an offence against this Act; or

(b) the vehicle, or a thing on the vehicle, may provide evidence of the commission of an offence against this Act.

(2) For entering a vehicle under this Part, an authorised officer may require the person in control of the vehicle:

(a) to stop, move or not to move the vehicle; or

(b) to bring the vehicle to a stated place and remain in control of the vehicle until the officer permits the vehicle to depart; or

(c) to give the officer reasonable help.

(3) A person commits an offence if the person engages in conduct that results in a contravention of the officer's requirement.

Fault elements:

The person:

(a) intentionally engages in the conduct; and

(b) is reckless as to whether the conduct would result in a contravention of the requirement.

Maximum penalty: 100 penalty units.

(4) It is a defence to a prosecution for an offence against subsection (3) if the defendant has a reasonable excuse.

Division 3 Powers of authorised officers on entry of places

66 Powers on entry of place

(1) An authorised officer who enters a place under Division 2 may do any of the following:

(a) inspect or examine the place or anything found on the place;

(b) break open and search fixtures and fittings, furniture and furnishings or boxes, packages and other containers (of any description) found on the place;

(c) take measurements of, or conduct tests in relation to, the place or anything found on the place;

(d) take photographs, films or audio, video or other recordings of the place or anything found on the place;

(e) take and remove from the place samples for analysis of anything found on the place;

(f) if the place is a vehicle – subject to section 67, seize it;

(g) subject to section 67, seize anything found on the place;

(h) take copies of, or extracts from, documents found on the place;

(i) require a person on the place to:

(i) answer questions or provide information; or

(ii) make available documents kept on the place; or

(iii) give the officer reasonable help to exercise powers under this section.

(2) After taking a sample under subsection (1)(e) or seizing a thing under subsection (1)(f) or (g), the authorised officer must give a receipt for the sample or thing to:

(a) the occupier of the place; or

(b) the person whom the officer believes on reasonable grounds was in possession of the sample or thing immediately before it was taken or seized.

(3) A requirement under subsection (1)(i) must be given by written notice.

(4) When making the requirement, the authorised officer must inform the person it is an offence not to comply with the requirement unless the person has a reasonable excuse.

(5) A person commits an offence if the person engages in conduct that results in a contravention of the requirement.

Fault element: The person intentionally engages in the conduct.

Maximum penalty: 100 penalty units.

(6) It is a defence to a prosecution for an offence against subsection (5) if the defendant has a reasonable excuse.

(7) Without limiting subsection (6), it is a reasonable excuse for an individual to fail to comply with the requirement if complying with the requirement might tend to incriminate the individual.

67 Seizure of things

(1) An authorised officer may seize a thing under section 66(1)(f) or (g) only if the officer believes on reasonable grounds that the thing:

(a) is connected with an offence against this Act and the seizure is necessary to prevent the thing from being:

(i) concealed, lost, damaged or destroyed; or

(ii) used to commit the offence; or

(b) is connected with an offence against this Act and the seizure is necessary to conduct tests for adducing evidence for a prosecution for the offence.

(2) After seizing the thing, the authorised officer may:

(a) take, or direct another person to take, the thing to the place stated by the officer; or

(b) give directions about handling and storing the thing that the officer considers appropriate.

(3) A person commits an offence if the person:

(a) interferes with or disposes of the seized thing; or

(b) removes the seized thing from:

(i) the place on which it was seized; or

(ii) the place to which it was taken by or under the direction of the authorised officer.

Fault elements:

The person:

(a) intentionally engages in the conduct; and

(b) is reckless as to whether an authorised officer seized the thing.

Maximum penalty: 100 penalty units.

(4) Subsection (3) does not apply if the person has the written consent of the CEO.

68 Retention of things seized

The following provisions apply in relation to a thing seized:

(a) it must be held by the authorised officer for adducing evidence for a prosecution for an offence against this Act unless the CEO authorises its release to its owner or the person who had possession of it immediately before its seizure;

(b) if a prosecution for an offence against this Act is started within 12 months after the seizure and the defendant is found guilty, the court may order the thing be forfeited to the Territory;

(c) the officer must release the thing to its owner or the person who had possession of it immediately before its seizure if:

(i) a prosecution for an offence against this Act is not started within 12 months after the seizure; or

(ii) on a prosecution being started within that period, the defendant is not found guilty or the court does not make an order under paragraph (b).

69 Authorised officer may use help and force in exercising powers

An authorised officer may exercise a power under this Part with the help, and using the force, that is reasonable in the circumstances.

Division 4 Other enforcement powers

70 Power to require name and address

(1) This section applies if an authorised officer:

(a) finds a person committing an offence against this Act; or

(b) finds a person in circumstances that lead the officer to reasonably suspect the person has just committed an offence against this Act; or

(c) has information that leads the officer to reasonably suspect a person has just committed an offence against this Act.

(2) The authorised officer may require the person to state the person's name and address.

(3) When making the requirement, the authorised officer must inform the person it is an offence to contravene the requirement unless the person has a reasonable excuse.

(4) The authorised officer may require the person to give evidence of the correctness of the person's name or address if the officer reasonably suspects the name or address given is false.

(5) A person commits an offence if the person engages in conduct that results in a contravention of a requirement given to the person under this section by an authorised officer.

Maximum penalty: 100 penalty units.

(6) An offence against subsection (5) is an offence of strict liability.

(7) It is a defence to a prosecution for an offence against subsection (5) if the defendant has a reasonable excuse.

71 Power to require information from certain persons

(1) This section applies if an authorised officer reasonably suspects:

(a) an offence against this Act has been committed; and

(b) a person may be able to give information about the offence.

(2) The authorised officer may, by written notice, require the person to give information about the suspected offence.

(3) When making the requirement, the authorised officer must inform the person it is an offence to fail to give the information unless the person has a reasonable excuse.

(4) A person commits an offence if the person engages in conduct that results in a contravention of the requirement.

Fault element: The person intentionally engages in the conduct.

Maximum penalty: 100 penalty units.

(5) It is a defence to a prosecution for an offence against subsection (4) if the defendant has a reasonable excuse.

(6) Without limiting subsection (5), it is a reasonable excuse for an individual to fail to answer the question if complying with the requirement might tend to incriminate the individual.

72 Power to require CDS approval holder or CDS supplier to produce document

(1) For the administration of this Act, an authorised officer may, by written notice, require the holder of a CDS approval or a CDS supplier to produce a document held or kept by the approval holder or supplier under this Act to the officer for inspection.

(2) The notice must state it is an offence to fail to produce the document unless the approval holder or CDS supplier has a reasonable excuse.

(3) The authorised officer may keep a produced document to take an extract from, or make a copy of, the document.

(4) The approval holder or CDS supplier must comply with the notice.

Maximum penalty: 100 penalty units.

(5) An offence against subsection (4) is an offence of strict liability.

(6) It is a defence to a prosecution for an offence against subsection (4) if the defendant has a reasonable excuse.

(7) Without limiting subsection (6), it is a reasonable excuse for an approval holder or CDS supplier to fail to produce a document if complying with the requirement might tend to incriminate the approval holder or supplier.

Division 5 Offences

73 Confidentiality of information

(1) A person commits an offence if:

(a) the person obtains information in the course of carrying out functions connected with the administration of this Act; and

(b) engages in conduct that results in the disclosure of the information to someone else.

Fault elements:

The person:

(a) intentionally engages in the conduct; and

(b) is reckless as to whether the conduct would result in the disclosure of the information.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

(2) Subsection (1) does not apply to a person disclosing information:

(a) for the administration of this Act; or

(b) with the consent of the person to whom the information relates; or

(c) for legal proceedings arising out of the operation of this Act.

74 Misleading information or document

(1) A person must not give misleading information to:

(a) an authorised officer acting in an official capacity; or

(b) a CDS participant for the participant's carrying out of activities under the CDS.

Fault elements:

The person:

(a) intentionally gives the information to the officer or participant; and

(b) knows the information is misleading; and

(c) knows:

(i) the officer is acting in an official capacity; or

(ii) the information is for the participant's carrying out of activities under the CDS.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

(2) A person must not give a document containing misleading information to:

(a) an authorised officer acting in an official capacity; or

(b) a CDS participant for the participant's carrying out of activities under the CDS.

Fault elements:

The person:

(a) intentionally gives the document to the officer or participant; and

(b) knows the document contains misleading information; and

(c) knows:

(i) the officer is acting in an official capacity; or

(ii) the document is for the participant's carrying out of activities under the CDS.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

(3) Subsection (2) does not apply if the person, when giving the document:

(a) draws the misleading aspect of the document to the attention of the authorised officer or CDS participant; and

(b) to the extent to which the person can reasonably do so – gives the officer or participant the information necessary to correct the document.

(4) In this section:

misleading information means information that is misleading in a material particular or because of the omission of a material particular.

75 Obstruction of person acting in official capacity

(1) A person must not obstruct an authorised officer, or person assisting an authorised officer (the ***assistant***), acting in an official capacity.

Fault elements:

The person:

(a) knows the officer or assistant is acting in an official capacity; and

(b) intentionally obstructs the officer or assistant.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

(2) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

(3) In this section:

obstruct includes resist and hinder.

76 Falsely representing to be authorised officer

A person must not falsely represent, by words or conduct, that the person or another person is an authorised officer.

Fault element: The person intentionally represents the person or other person is an authorised officer with an intention to deceive.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

Division 6 Criminal liability for offences

77 Definitions

In this Division:

declared provision means each of the following provisions:

(a) section 13(1), (3) and (4), 14(1) and (2), 15(1), 16(1), 17(1), (4) and (6), 18(1), 42, 55(1), 56(1), 57(1), 58, 71(4), 73(1), 74(1) and (2), 75(1) and 76;

(b) a provision of the Regulations prescribed by regulation.

representative, of a person, means an employee or agent of the person.

78 Conduct of representative

(1) This section applies to a prosecution for an offence against a declared provision of this Act.

Note for subsection (1)

This section deals with prosecutions of individuals. Part IIAA, Division 5, of the Criminal Code contains provisions about corporate criminal responsibility.

(2) Conduct engaged in by a representative of a person within the scope of the representative's actual or apparent approval is taken to have been also engaged in by the person.

(3) However, subsection (2) does not apply if the person proves the person took reasonable steps to prevent the conduct.

(4) In deciding whether the person took reasonable steps to prevent the conduct, a court must consider:

(a) any action the person took to ensure the representative had a reasonable knowledge and understanding of the requirement to comply with the contravened provision; and

(b) the level of management, control or supervision that was appropriate for the person to exercise over the representative.

(5) Subsection (4) does not limit the matters the court may consider.

(6) If it is relevant to prove a person had a fault element in relation to a physical element of an offence, it is enough to show:

(a) the conduct relevant to the physical element was engaged in by a representative of the person within the scope of the representative's actual or apparent approval; and

(b) the representative had the fault element in relation to the physical element.

(7) A person may rely on section 43AX of the Criminal Code in relation to conduct by a representative that would be an offence by the person only if:

(a) the representative was under a mistaken but reasonable belief about the facts that, had they existed, would have meant that the conduct would not have constituted an offence; and

(b) the person proves the person exercised due diligence to prevent the conduct.

Note for subsection (7)

Section 43AX of the Criminal Code provides a person is not criminally responsible if the person engaged in conduct under a mistake of fact in relation to an offence of strict liability.

(8) A person (the ***defendant***) may not rely on section 43BA of the Criminal Code in relation to a physical element of an offence brought about by another person if the other person is a representative of the defendant.

Note for subsection (8)

Section 43BA of the Criminal Code provides a person is not criminally responsible in circumstances of an intervening conduct or event.

(9) A person who is convicted of an offence cannot be punished by imprisonment for the offence if the person would not have been convicted of the offence without subsection (2) or (6).

(10) In this section:

fault element includes intention, knowledge, recklessness, opinion, belief and purpose, but does not include negligence.

person means an individual.

79 Criminal liability of partner in partnership

(1) A partner in a partnership commits an offence if:

(a) another partner in the partnership (the ***offender***) commits an offence in the course of the activities of the partnership by contravening a declared provision (a ***relevant offence***); and

(b) the partner was in a position to influence the conduct of the offender in relation to the contravention; and

(c) the partner failed to take reasonable steps to prevent the contravention.

Fault element: The partner was reckless about whether the contravention would happen.

Maximum penalty: The maximum penalty that may be imposed on an individual for the relevant offence.

(2) This section does not affect the liability of the offender.

(3) This section applies whether or not the offender is prosecuted for, or convicted of, the relevant offence, but does not apply if the offender would have a defence to a prosecution for the relevant offence.

(4) In this section:

partner, of a partnership, includes a person who is concerned with, or takes part in, the management of the partnership.

partnership does not include an incorporated limited partnership formed under the *Partnership Act 1997*.

80 Criminal liability of manager of unincorporated association

(1) A manager of an unincorporated association commits an offence if:

(a) another manager of the association (the ***offender***) commits an offence in the course of the activities of the association by contravening a declared provision (a ***relevant offence***); and

(b) the manager was in a position to influence the conduct of the offender in relation to the contravention; and

(c) the manager failed to take reasonable steps to prevent the contravention.

Fault element: The manager was reckless about whether the contravention would happen.

Maximum penalty: The maximum penalty that may be imposed on an individual for the relevant offence.

(2) This section does not affect the liability of the offender.

(3) This section applies whether or not the offender is prosecuted for, or convicted of, the relevant offence, but does not apply if the offender would have a defence to a prosecution for the relevant offence.

(4) In this section:

manager, of an unincorporated association, means a person who is concerned with, or takes part in, the management of the association.

81 Criminal liability of executive officer of body corporate

(1) An executive officer of a body corporate commits an offence if:

(a) the body corporate commits an offence (a ***relevant offence***) by contravening a declared provision; and

(b) the officer was in a position to influence the conduct of the body corporate in relation to the contravention; and

(c) the officer failed to take reasonable steps to prevent the contravention; and

(d) the officer was reckless about whether the contravention would happen.

Maximum penalty: The maximum penalty that may be imposed on an individual for the relevant offence.

(2) In deciding whether the executive officer took (or failed to take) reasonable steps to prevent the contravention, a court must consider the following:

(a) any action the officer took directed towards ensuring the following (to the extent the action is relevant to the contravention):

(i) the body corporate arranged regular professional assessments of the body corporate's compliance with the declared provision;

(ii) the body corporate implemented any appropriate recommendation arising from an assessment under subparagraph (i);

(iii) the body corporate's representatives and contractors had a reasonable knowledge and understanding of the requirement to comply with the declared provision;

(b) any action the officer took when the officer became aware that the contravention was, or could be, about to happen.

(3) Subsection (2) does not limit the matters the court may consider.

(4) This section does not affect the liability of the body corporate.

(5) This section applies whether or not the body corporate is prosecuted for, or convicted of, the relevant offence.

(6) This section does not apply if the body corporate would have a defence to a prosecution for the relevant offence.

(7) In this section:

executive officer, of a body corporate, means a director or other person who is concerned with, or takes part in, the management of the body corporate.

Division 7 Legal proceedings and evidentiary matters

82 Alternative verdicts

(1) This section applies if, on the trial of a person charged with an offence against a provision mentioned in the following Table (the ***prosecuted offence***), the trier of fact:

(a) is not satisfied beyond reasonable doubt the person committed the prosecuted offence; but

(b) is satisfied beyond reasonable doubt the person committed the offence, or the offence of attempting to commit the offence, mentioned in the Table opposite the prosecuted offence (the ***alternative offence***).

(2) The trier of fact may find the person not guilty of the prosecuted offence but guilty of the alternative offence.

Table Alternative verdicts

Item	Prosecuted offence	Alternative offence
1	section 13(1)	section 13(4)
2	section 13(3)	section 13(4)
3	section 14(1)	section 14(2)

83 Judicial notice

In any proceeding, a signature purporting to be the signature of the CEO is evidence of the signature it purports to be.

84 Evidentiary certificate

In a proceeding for an offence against this Act, a certificate signed by the CEO stating any of the following matters is evidence of the matter:

(a) a stated liquid is a beverage;

(b) a stated container is a permitted container;

(c) a stated plastic bag is a prohibited plastic bag;

(d) a stated person was an authorised officer on a stated day;

(e) a stated notice or other document was made, given or issued on a stated day.

Part 5 Administrative matters

85 Approved forms

The CEO may approve forms for this Act.

86 Delegation

(1) The Minister may delegate any of the Minister's powers and functions under this Act to the CEO.

(2) The CEO may delegate any of the CEO's powers and functions under this Act to a public sector employee.

87 Authorised officers

(1) An ***authorised officer*** is a person appointed under subsection (2) as an authorised officer.

(2) The CEO may appoint a public sector employee or other person as an authorised officer.

(3) However, the CEO may appoint a person as an authorised officer only if satisfied the person has the appropriate qualifications or experience to exercise the powers and perform the functions of an authorised officer.

(4) An authorised officer has the powers and functions of an authorised officer under this Act as stated in the appointment.

88 Identity card

(1) The CEO must give each authorised officer an identity card stating the person's name and that the person is an authorised officer.

(2) The identity card must:

(a) display a recent photograph of the officer; and

(b) state the card's date of issue; and

(c) be signed by the officer.

(3) This section does not prevent the issue of a single identity card to a person for this and another Act.

89 Production of identity card

An authorised officer exercising a power or performing a function under this Act in relation to a person must, if asked by the person, produce the officer's identity card for the person's inspection.

90 Return of identity card

(1) A person who ceases to be an authorised officer must return the person's identity card to the CEO within 21 days after the cessation.

Maximum penalty: 5 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

(3) It is a defence to a prosecution for an offence against subsection (1) if the person has a reasonable excuse.

Part 6 Miscellaneous matters

91 Protection from liability

(1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function as any of the following:

(aa) the CEO;

(a) an authorised officer;

(b) a person assisting an authorised officer under Part 4.

(2) Subsection (1) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.

(3) In this section:

exercise, of a power, includes the purported exercise of the power.

performance, of a function, includes the purported performance of the function.

91A Acquisition on just terms

If the operation of this Act would, apart from this section, result in an acquisition of property from a person otherwise than on just terms:

(a) the person is entitled to receive from the Territory the compensation necessary to ensure the acquisition is on just terms; and

(b) a court of competent jurisdiction may decide the amount of compensation or make the orders it considers necessary to ensure the acquisition is on just terms.

92 Annual report

(1) The CEO must prepare a report for each financial year about the administration of this Act.

(2) The Minister must table the annual report in the Legislative Assembly within 4 months after the end of the financial year.

93 Regulations

(1) The Administrator may make regulations under this Act.

(2) A regulation may provide for the following:

(a) matters to improve the efficiency or effectiveness of the whole CDS or any feature of the CDS;

(b) fees payable under this Act;

(c) applying, adopting or incorporating (with or without changes) the whole or part of a document as in force or existing at a particular time or from time to time;

(d) an offence against a regulation to be an offence of strict or absolute liability but not with a penalty exceeding 100 penalty units.

(2A) A regulation may be made for a matter mentioned in subsection (2)(a) even if the improvement of the efficiency or effectiveness of a particular matter results in another matter being less efficient or effective.

(3) A regulation may contain transitional provisions for containers:

(a) that become regulated containers (whether on the start of the CDS or a later date); and

(b) that are:

(i) held by manufacturers, distributors or beverage retailers for sale; or

(ii) sold but not delivered as empty containers for payment of the refund amount under the CDS.

Part 7 Transitional matters for Environment Protection (Beverage Containers and Plastic Bags) Legislation Amendment Act 2014

94 Definitions

In this Part:

amended, in relation to a specified provision, means the provision of this Act as in force on and after the commencement day.

amendment Act means the *Environment Protection (Beverage Containers and Plastic Bags) Legislation Amendment Act 2014*.

appropriate WMA means a waste management arrangement that meets the criteria for approval mentioned in section 23A(1)(a) to (d).

CEO means the CEO as defined in the former Act.

commencement day means the day on which this Act commences.

existing validated approval, see section 96(4).

former, in relation to a specified provision, means the provision as in force immediately before the commencement day.

former Act means this Act as in force before the commencement day.

related WMA, in relation to an existing validated approval, means a waste management arrangement to which that approval relates.

replacement approval, see section 98(2).

95 Existing application relating to CDS approval

(1) The NT EPA must decide an existing application under amended Part 2, Division 6, Subdivision 1 or 2 (as relevant).

(2) To enable the NT EPA to decide the existing application, it may require the applicant to give information in addition to the information given to the CEO.

(3) In this section:

existing application means an application for any of the following that was made, but not decided, under former Part 2, Division 6, Subdivision 1 or 2 (as relevant):

(a) a CDS approval;

(b) the renewal of a CDS approval;

(c) the variation of conditions of a CDS approval.

96 Validation of CDS approvals

(1) The grant or purported grant of a CDS approval before the commencement day is declared to be, and to always have been, a valid exercise of power by the CEO.

(2) The validity of the grant or purported grant is not affected merely because a waste management arrangement to which the CDS approval relates may not have been completely effective for the purposes of the former Act.

(3) If a CDS approval that was the subject of a grant or purported grant mentioned in subsection (1) is no longer in force immediately before the commencement day, it is declared that the approval was valid and had effect under the former Act in accordance with the conditions to which the approval was subject.

(4) If a CDS approval that was the subject of a grant or purported grant mentioned in subsection (1) is in force immediately before the commencement day, it is declared that the approval is, and always has been, a validated approval (an ***existing validated approval***).

97 Continuation of existing validated approval and related WMA

(1) An existing validated approval continues in force on and after the commencement day subject to the following conditions:

(a) in relation to each approval – the conditions stated in the approval under former section 24(3);

(b) in relation to a supply approval – the conditions mentioned in section 24A(1);

(c) in relation to a collection approval – the condition mentioned in section 24B;

(d) if a related WMA is also an appropriate WMA – the condition mentioned in amended section 24(b), in relation to the appropriate WMA, as if a reference in that paragraph to an approved waste management arrangement were a reference to an appropriate WMA;

(e) if a related WMA that is also an appropriate WMA ceases to meet the criteria for approval mentioned in section 23A(1)(a) to (d) as a result of the granting of a replacement approval to a CDS participant who is a party to the related WMA – the condition that the holder of the approval must, after being given a notice under section 98(2), enter into one or more appropriate WMAs to enable the holder to apply for a replacement approval as requested in the notice;

(f) if no related WMA is an appropriate WMA – the condition that the holder of the approval must, after being given a notice under section 98(2), enter into one or more appropriate WMAs to enable the holder to apply for a replacement approval as requested in the notice.

Example for subsection (1)(e)

A related WMA that is an operator arrangement may cease to meet the criteria for approval because a replacement coordinator approval contains provisions that have the effect of requiring the CDS coordinator who is a party to the operator arrangement to make arrangements with the holder of the existing validated collection approval for the sorting of empty approved containers by reference to material type.

(2) If an existing validated approval has more than one related WMA and not all of those WMAs are appropriate WMAs, the NT EPA may give the holder of the approval a notice requiring the holder to submit one or more waste management arrangements, within the period specified in the notice, to enable the NT EPA to decide whether or not to approve the arrangements under section 23A to

replace the related WMAs.

(3) The NT EPA may extend the period specified in a notice given under subsection (2), by a further period not exceeding the duration of the original period, if:

(a) the holder of the existing validated approval applies to the NT EPA in writing for the extension before the end of the original period; and

(b) the NT EPA is satisfied it is reasonable in the circumstances to extend the period.

(4) If the holder of an existing validated approval does not comply with a notice given to the holder under subsection (2) within the period it specifies, or as extended under subsection (3):

(a) the NT EPA may take action under Part 2, Division 6, Subdivision 3 on the ground that the holder has contravened the requirement of the NT EPA; and

(b) if the NT EPA takes that action – a reference in section 37(a) to a provision of this Act is taken to be a reference to a requirement of the NT EPA under subsection (2).

(5) A related WMA continues to apply on and after the commencement day according to its provisions as in force on the commencement day, as follows:

(a) in relation to an appropriate WMA mentioned in subsection (1)(d) – until the earliest of the following:

(i) the day on which the appropriate WMA is varied or replaced by an approved waste management arrangement as a result of compliance with the condition imposed by subsection (1)(d);

(ii) the day on which the existing validated approval ceases to be in force;

(b) in relation to a related WMA mentioned in subsection (1)(e) or (f) – until the existing validated approval is cancelled under section 100;

(c) in relation to a related WMA the subject of a notice given under subsection (2) – until the earliest of the following:

(i) the day on which the related WMA is replaced by an approved waste management arrangement;

(ii) the day on which the existing validated approval ceases to be in force (which may be as a result of cancellation by the NT EPA following action taken under Part 2, Division 6, Subdivision 3).

(6) This section does not prevent the holder of a CDS approval granted under the former Act from applying to the NT EPA for the cancellation of the approval because the holder has ceased to be a CDS participant.

98 CDS approval required to replace existing validated approval

(1) This section applies in relation to an existing validated approval if the condition in section 97(1)(e) or (f) applies.

(2) The NT EPA must give the holder of the existing validated approval a notice requesting the holder to apply, within the relevant prescribed period, for a CDS approval to replace the existing validated approval (a ***replacement approval***).

(3) The notice must be given:

(a) in relation to the existing validated approval to which the condition in section 97(1)(e) applies – as soon as practicable after the NT EPA becomes aware that the related WMA has ceased to be an appropriate WMA; and

(b) in relation to the existing validated approval to which the condition in section 97(1)(f) applies – as soon as practicable after the commencement day.

(4) The notice must state that the existing validated approval will be cancelled:

(a) if the holder of the existing validated approval applies for, and is granted, a replacement approval; or

(b) if the holder does not apply for a replacement approval:

(i) within the relevant prescribed period; or

(ii) if applicable – before the expiry of the period extended under subsection (5).

(5) Subject to section 99(6), the NT EPA may extend the relevant prescribed period, by no more than 6 months, if:

(a) the holder of the existing validated approval applies to the NT EPA for the extension:

(i) in writing; and

(ii) no later than 30 days before the end of the relevant prescribed period; and

(b) the NT EPA is satisfied it is reasonable in the circumstances to extend the period.

(6) If the NT EPA refuses to extend the relevant prescribed period:

(a) it must give the holder of the existing validated approval a review notice; and

(b) Part 2, Division 7 applies.

(7) Part 2, Division 6, Subdivision 1 applies in relation to an application for a replacement approval.

(8) In this section:

relevant prescribed period means the following period:

(a) in relation to an existing validated approval to which the condition in section 97(1)(e) applies – 2 months after the day on which the notice is given to the holder under subsection (2);

(b) in relation to an existing validated approval to which the condition in section 97(1)(f) applies:

(i) if the existing validated approval is a coordinator approval – 6 months after the day on which the notice is given to the holder under subsection (2); or

(ii) if the existing validated approval is a collection approval or supply approval – 8 months after the day on which the notice is given to the holder under subsection (2).

99 Arbitration

(1) This section applies if the parties to a related WMA are unable to reach agreement about the provisions of an appropriate WMA within the prescribed period.

(2) If the appropriate WMA is a coordinator arrangement, the matters in dispute must be decided by an arbitrator in the Territory.

(3) If the appropriate WMA is a supplier arrangement or operator arrangement, the parties to the related WMA may agree that the matters in dispute be decided by an arbitrator in the Territory.

(4) A notice relating to arbitration, signed by the parties to the related WMA, must be given to the NT EPA before the end of the negotiation period and must state:

(a) that the parties are unable to reach agreement about the provisions of the appropriate WMA; and

(b) the matter is to be referred to an arbitrator in the Territory; and

(c) whether or not the parties have reached an agreement about the arbitrator who is to decide the matter; and

(d) if the parties have reached an agreement mentioned in paragraph (c) – the details of the arbitrator.

(5) If the parties are unable to reach an agreement mentioned in subsection (4)(c), the NT EPA must appoint an arbitrator.

(6) The NT EPA may extend the negotiation period, as necessary, to enable the completion of arbitration, the signing of an appropriate WMA and the granting of a replacement approval.

(7) An arbitrator's decision for this section is binding on the parties to the arbitration proceedings.

(8) However, if the arbitrator's decision relates to a coordinator arrangement and a CDS coordinator disagrees with the decision, the coordinator:

(a) may elect:

(i) not to be bound by the decision; and

(ii) not to continue as a CDS coordinator; and

(b) if the coordinator makes that election – must give written notice of the election, within 7 days after being notified of the arbitrator's decision, to:

(i) the arbitrator and each CDS participant who was a party to the arbitration proceedings; and

(ii) the NT EPA.

(9) The costs of arbitration must be shared equally by the parties, including a CDS coordinator who has decided not to continue as a CDS coordinator.

(10) In this section:

negotiation period means the following:

(a) the relevant prescribed period under section 98;

(b) if the period has been extended under section 98(5) – the extended period.

prescribed period means the period that ends 14 days before the end of the negotiation period.

100 Cancellation of existing validated approval

(1) The NT EPA must cancel an existing validated approval:

(a) if the NT EPA has granted a CDS approval to replace the existing validated approval – on the day the CDS approval is granted (unless the existing validated approval has ceased to be in force on the date stated in it); or

(b) if a circumstance mentioned in section 98(4)(b) applies – on the day after the expiry of the relevant period; or

(c) if notice is given to the NT EPA under section 99(8)(b) – on the day the notice is given.

(2) The NT EPA must give a notice of cancellation under subsection (1)(b) to the person who held the existing validated approval.

101 Continuation of certain rights under existing validated approval

(1) Subsection (3) applies in relation to the holder of an existing validated approval that is a collection approval if the holder:

(a) delivered relevant containers to a CDS coordinator before the commencement day; or

(b) delivers relevant containers to a CDS coordinator on or after the commencement day.

(2) Subsection (3) also applies if the existing validated approval is cancelled and the person who previously held the approval:

(a) paid a refund amount for relevant containers delivered to the person on or before the day on which the person was given a cancellation notice; and

(b) delivers the relevant containers to a CDS coordinator on or after that day.

(3) Former section 20(2) to (4) continues to apply, as if former section 20 had not been repealed by the amendment Act, in relation to the rights of the operator:

(a) to require and receive payment from the CDS coordinator; and

(b) if the coordinator does not pay the amount as required – to recover the amount as a debt payable to the operator.

(4) In this section:

relevant containers means containers to which a circumstance mentioned in former section 20(1)(a) to (c) applies.

cancellation notice means a notice given under section 100(2).

102 Suspension or cancellation of CDS approval under Part 2

(1) This section applies if the CEO:

(a) gave a show cause notice to the holder of a CDS approval under former section 38; and

(b) had not, before the commencement day, made a decision in relation to the suspension or cancellation of the approval.

(2) The NT EPA must continue to deal with the matter under amended Part 2, Division 6, Subdivision 3.

103 Offences

(1) A prosecution for an offence against amended section 18(1) or amended section 19(1) may be commenced only in relation to approved containers delivered to the collection depot on or after the commencement day.

(2) The repeal of former section 18(2) or former section 19(1) does not affect the starting or continuation of a prosecution in relation to approved containers delivered to the approved collection depot before the commencement day.

104 Continuation of approved forms

An approved form in use immediately before the commencement day continues to have effect as if it had been approved by the NT EPA under amended section 85.

Part 8 Transitional matters for Statute Law Amendment (Territory Economic Reconstruction) Act 2021

105 Definitions

In this Part:

amending Act means Part 6 of the *Statute Law Amendment (Territory Economic Reconstruction) Act 2021*.

commencement means commencement of the amending Act.

106 Supply approval holder taken to be registered

(1) A person who held a supply approval that was in force immediately before the commencement is, on and after the commencement, taken to be registered as a CDS supplier under Part 2, Division 6A subject to:

(a) the conditions set out in section 41D(1)(a) to (f); and

(b) if the person's supply approval was, immediately before the commencement, subject to any conditions imposed by the NT EPA under section 24(d) – those conditions; and

(c) if the person's supply approval was, immediately before the commencement, suspended – the same period of suspension.

(2) The NT EPA must, as soon as practicable after the commencement, issue a registration certificate to each person who is taken to be registered under subsection (1).

(3) The NT EPA may, by written notice, require a person who is taken to be registered under subsection (1) to give to the NT EPA any information required by the NT EPA for the purposes of issuing a registration certificate to the person.

(4) If the person fails to give the NT EPA the information required within the reasonable period stated in the notice, the NT EPA may cancel the person's registration.

(5) If the NT EPA cancels a person's registration under subsection (4), the following apply:

(a) the NT EPA must give the person written notice of the cancellation;

(b) the NT EPA is not required to give the person a review notice for the decision to cancel the registration;

(c) the cancellation takes effect on the day the notice mentioned in paragraph (a) is given to the person.

107 Application for supply approval

(1) Subsections (2) and (3) apply if, before the commencement:

(a) the application was made under section 21 for a supply approval or the renewal of a supply approval; and

(b) the application was not decided by the NT EPA.

(2) The NT EPA must deal with and decide the application in accordance with this Act as in force immediately before the commencement.

(3) However, if the application is granted, the applicant is taken to be granted registration as a CDS supplier under Part 2, Division 6A.

108 Approval of supplier arrangement

(1) Subsection (2) applies if, before the commencement:

(a) a supplier arrangement was given to the NT EPA for approval under section 23A; and

(b) the NT EPA did not make a decision about the supplier arrangement.

(2) The NT EPA must deal with the supplier arrangement in accordance with this Act as in force immediately before the commencement.

109 Offences – before and after commencement

(1) The offence provisions, as amended by the amending Act, apply only in relation to offences committed after the commencement.

(2) The offence provisions, as in force before the commencement, continue to apply in relation to offences committed before the commencement.

(3) For this section, if any of the conduct constituting an offence occurred before the commencement, the offence is taken to have been committed before the commencement.

(4) In this section:

offence provisions means the provisions of this Act that create or relate to offences (including in relation to criminal responsibility, defences and penalties).

Part 9 Transitional matters for Environment Legislation Amendment Act 2021

110 Definitions

In this Part:

amending Act means the *Environment Legislation Amendment Act 2021*.

commencement means the commencement of Part 3 of the amending Act.

111 Approval of waste management arrangements

(1) Subsection (2) applies if, before the commencement:

(a) a waste management arrangement was given to the NT EPA for approval under section 23A; and

(b) the NT EPA did not make a decision about the waste management arrangement.

(2) The NT EPA must deal with the waste management arrangement in accordance with this Act as in force immediately before the commencement.

Part 10 Transitional matters for Environment Protection (Beverage Containers and Plastic Bags) Legislation Amendment (Expansion of CDS and Other Matters) Act 2025

112 Definitions

In this Part:

amending Act means the *Environment Protection (Beverage Containers and Plastic Bags) Legislation Amendment (Expansion of CDS and Other Matters) Act 2025.*

commencement means the day on which Part 2 of the amending Act commences.

NT EPA means the Northern Territory Environment Protection Authority established by section 6 of the *Northern Territory Environment Protection Authority Act 2012*.

113 Continuation of ongoing documents and actions

(1) On the commencement, an ongoing document continues with the same force and effect as if it had been issued by, or given to, the CEO.

(2) On the commencement, an ongoing action continues with the same force and effect as if it had been done by, or in relation to, the CEO.

(3) In this section:

ongoing action means an action or thing that:

(a) was done by, or in relation to, the NT EPA before the commencement in or for the exercise of a power or performance of a function under this Act that, on the commencement, is conferred on the CEO; and

(b) immediately before the commencement, had ongoing effect.

ongoing document means a document that:

(a) was issued by, or given to, the NT EPA before the commencement in or for the exercise of a power or performance of a function under this Act that, on the commencement, is conferred on the CEO; and

(b) immediately before the commencement, had ongoing effect.

114 NTCAT review limited to decisions made after commencement

Section 46, as inserted by section 6 of the amending Act, applies only in relation to a reviewable decision that is made after the commencement.

115 Applications for review not made before commencement

(1) This section applies to a person if, immediately before the commencement, the person:

(a) was entitled to make an application to the Local Court for review of a decision under section 46 as in force before the commencement; and

(b) had not yet made an application for review of the decision.

(2) The person may apply to the Local Court for review of the decision in accordance with section 46 as in force before the commencement.

(3) Subject to section 117, the Local Court must hear and decide the person's application in accordance with sections 47 and 48 as in force before the commencement.

116 Applications for review not determined before commencement

(1) Subsection (2) applies in relation to an application to the Local Court for review of a decision that:

(a) was made by a person under section 46 as in force before the commencement; and

(b) had not been finally determined by the Local Court before the commencement.

(2) Subject to section 117, the Local Court must continue to hear and decide the person's application in accordance with sections 47 and 48 as in force before the commencement.

117 Referral of matters to CEO on reviews determined after commencement

(1) If a decision of the Local Court on a review referred to in section 115(3) or 116(2) would require the matter that is the subject of the review to be referred to the NT EPA to be reconsidered in accordance with the Court's directions, the Court:

(a) must instead refer the matter to the CEO for reconsideration; and

(b) may make any orders and give any directions that it considers appropriate to facilitate the referral of the matter to the CEO instead of the NT EPA.

(2) For the reconsideration of the referred matter, the CEO may make any decision under the Act as in force before the commencement that could have been made by the NT EPA in accordance with the Local Court's directions if the matter had been referred to it.

118 Judicial notice and evidentiary certificates

Despite the amendments to sections 83 and 84 made by the amending Act, sections 83 and 84, as in force immediately before the commencement, continue to apply in relation to a document signed by the chairperson of the NT EPA before the commencement.

Schedule 1 Agreements for coordinator arrangement provisions

section 12(3)

1 Definitions

accepted containers means empty permitted containers that:

(a) are the subject of a primary coordinator's supplier arrangements; and

(b) have been accepted by a secondary coordinator from an operator of an approved collection depot.

market share, of a CDS coordinator, means the coordinator's share of the total number of all permitted containers sold in the Territory during a quarter calculated by reference to the numbers stated in all of the sales declarations for that quarter.

primary coordinator, in relation to permitted containers, means a CDS coordinator who is a party to a supplier arrangement relating to those containers.

sales declaration means a statutory declaration given under an agreement mentioned in clause 2.

secondary coordinator, in relation to permitted containers, means a CDS coordinator who:

(a) accepts the containers, when empty, from an operator with whom the coordinator has a operator arrangement; and

(b) is not a party to the supplier arrangement relating to those containers.

2 Quarterly sales declaration

(1) An agreement that each CDS coordinator must give to each other coordinator, in each quarter, a statutory declaration stating the following:

(a) the total number of permitted containers, by reference to material types, anticipated to be sold in the Territory during the current quarter;

(b) the total number of permitted containers, by reference to material types, actually sold in the Territory during the previous quarter;

(c) an adjustment of the numbers of permitted containers for the previous quarter, taking into account the difference between:

(i) the number anticipated to be sold during that quarter as stated in the previous statutory declaration; and

(ii) the number actually sold during that quarter as stated for paragraph (b).

(2) The agreement must require the statutory declaration to be given by a CDS coordinator within 7 days after the day on which the coordinator has been given all of the supplier sales documents for the previous quarter.

(3) For subclause (1)(a), the total number of permitted containers anticipated to be sold during the current quarter, by material type, is to be stated as the total number of those containers actually sold by the CDS supplier in the previous quarter.

(4) For subclause (1)(b), the total number of permitted containers actually sold during the previous quarter is as specified in all of the supplier sales documents for that quarter.

Notes for clause 2

1 All of the statutory declarations for a quarter show the total sales in the Territory of permitted containers by reference to material types.

2 The numbers of permitted containers stated by a CDS coordinator in the coordinator's statutory declaration indicate the market share of the coordinator relevant to the calculations mentioned in clauses 6, 7 and 8.

3 Sorting empty permitted containers

An agreement that each coordinator must specify in each operator arrangement the material types (including categories of material types), into which empty permitted containers must be sorted by the operator.

4 Weighing and counting accepted containers

(1) An agreement about the method to be used by a secondary coordinator for the following:

(a) weighing accepted containers;

(b) counting accepted containers;

(c) recording the weight or numbers of the accepted containers.

(2) The agreement must require the secondary coordinator to weigh or count the accepted containers in the material types into which they are sorted when accepted.

5 Operator costs and process fee

(1) An agreement that a primary coordinator must pay an amount to a secondary coordinator in relation to:

(a) operator costs; and

(b) a process fee.

(2) For subclause (1)(a), ***operator costs*** are:

(a) the refund amounts paid by the secondary coordinator to an operator for accepted containers; and

(b) the amount paid by the secondary coordinator to the operator for the collection, sorting, aggregation and delivery of the accepted containers by the operator.

(3) For subclause (1)(b), the ***process fee*** is the fee for the secondary coordinator carrying out the processes necessary to prepare accepted containers for transportation to a person or place for reuse, recycling or appropriate disposal.

(4) The agreement must:

(a) require the secondary coordinator to keep:

(i) a record of the number of accepted containers by reference to each material type; and

(ii) documents to verify the method used for counting the containers; and

(b) specify the basis on which the process fee is payable (for example, the payment of a specified amount for each accepted container dealt with by the secondary coordinator).

(5) The agreement must require the secondary coordinator to calculate the amount payable by the primary coordinator in relation to accepted containers using:

(a) a method of calculation specified in the agreement; or

(b) the following formula:

$A = B \times (C + D)$

where:

A is the amount claimed.

B is the market share of the primary coordinator in relation to the containers based on the most recent sales declarations.

C is the operator costs in relation to the containers.

D is the process fee in relation to the containers.

(6) The agreement must require:

(a) the secondary coordinator to give the primary coordinator a written claim for payment accompanied by copies of documents that provide evidence of the calculation of the amount claimed; and

(b) the primary coordinator to pay the secondary coordinator the amount payable within the time specified in the agreement, which must not exceed 14 days after receipt of the claim.

6 Transportation costs and proceeds of sale

(1) An agreement that, for the transportation by a secondary coordinator of accepted containers to a person or place for reuse, recycling or appropriate disposal and for the sale of the containers:

(a) the primary coordinator must pay an amount to the secondary coordinator if the transportation costs exceed the proceeds of the sale; or

(b) the secondary coordinator must pay an amount to the primary coordinator if the proceeds of the sale exceed the transportation costs.

(2) The agreement must require the secondary coordinator to calculate the amount payable by the primary coordinator or secondary coordinator, in relation to the accepted containers, using:

(a) a method of calculation specified in the agreement; or

(b) the following formula:

$A = B \times (C - D)$

where:

A is the amount payable.

B is the market share of the primary coordinator in relation to the containers based on the most recent sales declarations.

C is the cost of transportation of the containers.

D is the amount received by the secondary coordinator from the proceeds of the sale of the containers following transportation.

(3) The agreement must require:

(a) the secondary coordinator to give the primary coordinator a written statement of the amount payable accompanied by copies of documents that provide evidence of the calculation of the amount; and

(b) the coordinator who is liable to pay the amount to do so within the time specified in the agreement, which must not exceed 14 days after the day on which the statement is given by the secondary coordinator.

7 Revision of claims for payment

(1) An agreement that a secondary coordinator must revise a claim made under clause 5 or 6 if the primary coordinator's market share, as calculated, requires revision because of an adjustment of the numbers of accepted containers stated in subsequent sales declarations.

(2) The agreement must require the secondary coordinator to give the primary coordinator a written statement showing the revision, and how it is calculated, and specify that:

(b) if the primary coordinator is liable to pay an additional amount to the secondary coordinator, the amount must be paid within the time specified in the agreement, which must not exceed 14 days after receipt of the statement; and

(c) if the secondary coordinator is liable to refund an amount to the primary coordinator because of an overpayment, the amount must be refunded within the time specified in the agreement, which must not exceed 14 days after the statement is given.

8 Audits

(1) An agreement that one auditor, named in the agreement, must be appointed by the CDS coordinators to:

(a) conduct an audit of each coordinator's relevant information for a financial year; and

(b) give each coordinator a written report in relation to all of that information.

(2) The agreement must specify:

(a) the time within which the auditor must conduct the audit and give the report; and

(b) how the CDS coordinators will pay the auditor's costs.

(3) An agreement that if, at any time, a CDS coordinator believes on reasonable grounds that any of the relevant information given by another coordinator is inaccurate:

(a) the coordinator may request the auditor named in the agreement mentioned in subclause (1) to audit the relevant information and give the coordinator a written report in relation to the information; and

(b) if the auditor's report states that the relevant information is inaccurate, the coordinator who gave that information must pay the auditor's costs; and

(c) if the auditor's report states that the relevant information is accurate, the coordinator who requested the audit must pay the auditor's costs.

(4) The agreement under subclause (3) must specify that:

(a) if inaccurate information is found by the auditor, and a primary coordinator has paid a secondary coordinator more than the coordinator was entitled to be paid, the secondary coordinator must refund the relevant amount to the primary coordinator within 28 days after receiving the auditor's report; and

(b) if inaccurate information is found by the auditor, and a primary coordinator has paid a secondary coordinator less than the coordinator was entitled to be paid, the primary coordinator must pay the relevant amount to the secondary coordinator within 28 days after receiving the auditor's report.

(5) In this clause:

auditor means a person who has the necessary formal qualifications to audit relevant information and is not a CDS participant or an employee of a CDS participant.

relevant information means financial and other information that is relevant to the matters that are the subject of a coordinator agreement.

9 Statutory declarations

An agreement that the CDS coordinators may require that any information to be given under an agreement mentioned in clauses 3 to 8 must be given by statutory declaration.

Schedule 2 Reviewable decisions

section 46

Item	Reviewable decision	Affected person
1	A decision under section 23 not to grant a CDS approval	The applicant for the CDS approval
2	A decision under sections 23 and 24(d) to grant a CDS approval subject to conditions imposed by the CEO	The applicant for the CDS approval
3	A decision under section 23 and with reference to section 27(2) not to grant a renewal of a CDS approval	The applicant for the renewal of the CDS approval
4	A decision under sections 23 and 24(d) and with reference to section 27(2) to renew a CDS approval subject to conditions imposed by the CEO	The applicant for the renewal of the CDS approval
5	A decision under section 30(1) to vary the conditions of a CDS approval	The holder of the CDS approval
6	A decision under section 30(1) and with reference to section 41H to vary the conditions of a CDS supplier's registration	The CDS supplier
7	A decision under section 33 or 35 to refuse to grant an application to vary the conditions of a CDS approval	The holder of the CDS approval
8	A decision under section 33 or 35 and with reference to section 41H to refuse to grant an application to vary the conditions of a CDS supplier's registration	The CDS supplier
9	A decision under section 41(2) to suspend or cancel a CDS approval	The holder of the CDS approval
10	A decision under section 41C not to grant registration	The applicant for registration
11	A decision under sections 41C and 41D(1)(g) to grant registration subject to conditions imposed by the CEO	The applicant for registration

Item	Reviewable decision	Affected person
12	A decision under section 41C and with reference to section 41G(2) not to grant a renewal of registration	The applicant for the renewal of registration
13	A decision under sections 41C and 41D(1)(g) and with reference to section 41G(2) to grant a renewal of registration subject to conditions imposed by the CEO	The applicant for the renewal of registration
14	A decision under section 41(2) and with reference to section 41L(1) to suspend or cancel a CDS supplier's registration	The CDS supplier

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Environment Protection (Beverage Containers and Plastic Bags) Act 2011* (Act No. 2, 2011)**

Assent date	4 March 2011
Commenced	pt 2: 3 January 2012 (*Gaz* S72, 12 December 2011); rem: 1 May 2011 (*Gaz* G15, 13 April 2011, p 11)

***Statute Law (Miscellaneous Provisions) Act 2011* (Act No. 44, 2011)**

Assent date	21 December 2011
Commenced	27 January 2012 ((other than amdts to *Darwin Port Corporation Act* and *Marine Act* listed in the Sch to Act) *Gaz* S3, 27 January 2012))

***Environment Protection (Beverage Containers and Plastic Bags) Legislation Amendment Act 2014* (Act No. 17, 2014)**

Assent date	2 June 2014
Commenced	ss 9 (to extent it ins s 20), 11 (to extent it ins s 24C), 20 (to extent it ins s 101) and 25: 1 January 2017 (*Gaz* G51, 21 December 2016, p 11); rem: 30 June 2014 (*Gaz* S46, 30 June 2014)

***Local Court (Related Amendments) Act 2016* (Act No. 8, 2016)**

Assent date	6 April 2016
Commenced	1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz* S34, 29 April 2016)

***Statute Law Revision Act 2017* (Act No. 4, 2017)**

Assent date	10 March 2017
Commenced	12 April 2017 (*Gaz* G15, 12 April 2017, p 3)

Statute Law Amendment (Territory Economic Reconstruction) Act 2021 **(Act No. 19, 2021**

Assent date	31 August 2021
Commenced	pt 6: 2 October 2021; rem: 29 September 2021 (*Gaz* G39, 29 September 2021, p 1)

Environment Legislation Amendment Act 2021 **(Act No. 22, 2021)**

Assent date	18 November 2021
Commenced	pt 7: 31 March 2022; rem: 1 February 2022 (*Gaz* G51, 22 December 2021, p 1)

Statute Law Revision Act 2023 **(Act No. 4, 2023)**

Assent date	2 March 2023
Commenced	3 March 2023 (s 2)

Environment Protection (Beverage Containers and Plastic Bags) Legislation Amendment (Expansion of CDS and Other Matters) Act 2025 **(No. 28, 2025)**

Assent date	30 October 2025
Commenced	pt 3: nc; rem: 31 October 2025 (s 2(1))

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 3 and 79.

4 LIST OF AMENDMENTS

s 3	amd No. 17, 2014, s 4
s 4	amd No. 44, 2011, s 26; No. 17, 2014, s 5; No. 19, 2021, s 43; No. 22, 2021, s 16; No. 28, 2025, s 4
s 5 hdg	amd No. 4, 2017, s 34
s 8A	ins No. 17, 2014, s 6 amd No. 19, 2021, s 62
pt 2	
div 2 hdg	sub No. 17, 2014, s 7
s 10	sub No. 17, 2014, s 7 amd No. 19, 2021, s 44; No. 22, 2021, s 16
s 11	sub No. 17, 2014, s 7 amd No. 19, 2021, s 45; No. 22, 2021, s 11
s 12	sub No. 17, 2014, s 7 amd No. 28, 2025, s 5
s 13	sub No. 19, 2021, s 46
s 14	amd No. 19, 2021, s 62; No. 4, 2023, s 23
s 16	amd No. 19, 2021, s 62
pt 2	
div 5 hdg	amd No. 17, 2014, s 22; No. 19, 2021, s 47
s 17	amd No. 17, 2014, s 8; No. 19, 2021, s 62
s 18	sub No. 17, 2014, s 9 amd No. 19, 2021, s 48; No. 22, 2021, s 16
s 19	sub No. 17, 2014, s 9 amd No. 19, 2021, s 62
s 20	sub No. 17, 2014, s 9 amd No. 19, 2021, s 62; No. 22, 2021, s 16

ss 20A – 20B	ins No. 19, 2021, s 49 amd No. 28, 2025, s 17
s 21	amd No. 17, 2014, s 10; No. 19, 2021, s 50; No. 22, 2021, s 16; No. 28, 2025, s 17
s 22	amd No. 17, 2014, s 22; No. 28, 2025, s 17
s 23	sub No. 17, 2014, s 11 amd No. 19, 2021, s 51; No. 22, 2021, s 12; No. 28, 2025, s 17
s 23A	ins No. 17, 2014, s 11 amd No. 19, 2021, s 52 rep No. 22, 2021, s 13
s 24	sub No. 17, 2014, s 11 amd No. 19, 2021, s 53; No. 22, 2021, s 14; No. 28, 2025, s 17
s 24A	ins No. 17, 2014, s 11 rep No. 19, 2021, s 54
s 24B	ins No. 17, 2014, s 11
s24C	ins No. 17, 2014, s 11 amd No. 19, 2021, s 55
s 25	amd No. 17, 2014, s 22; No. 19, 2021, s 56; No. 28, 2025, s 17
s 26	amd No. 17, 2014, s 12
s 29	amd No. 17, 2014, s 22; No. 28, 2025, s 17
s 30	amd No. 17, 2014, s 13; No. 22, 2021, s 16; No. 28, 2025, s 17
ss 31 – 35	amd No. 17, 2014, s 22; No. 28, 2025, s 17
s 37	amd No. 17, 2014, s 14; No. 22, 2021, s 16; No. 28, 2025, s 17
ss 38 – 41	amd No. 17, 2014, s 22; No. 28, 2025, s 17
pt 2 div 6 sdiv 4 hdg	rep No. 19, 2021, s 57
pt 2 div 6A hdg	ins No. 19, 2021, s 57
pt 2 div 6A sdiv 1 hdg	ins No. 19, 2021, s 57
ss 41A – 41E	ins No. 19, 2021, s 57 amd No. 28, 2025, s 17
ss 41F – 41H	ins No. 19, 2021, s 57
s 41J	ins No. 19, 2021, s 57 amd No. 28, 2025, s 17
pt 2 div 6A sdiv 2 hdg	ins No. 19, 2021, s 57
ss 41K – 41L	ins No. 19, 2021, s 57 amd No. 28, 2025, s 17
pt 2 div 6A sdiv 3 hdg	ins No. 19, 2021, s 57
ss 41M – 41P	ins No. 19, 2021, s 57 amd No. 28, 2025, s 17
pt 2 div 6B hdg	ins No. 19, 2021, s 57
ss 42 – 43	sub No. 19, 2021, s 57
s 44	amd No. 17, 2014, s 22 sub No. 19, 2021, s 57 amd No. 28, 2025, s 17
s 45	amd No. 17, 2014, s 22; No. 19, 2021, s 62; No. 28, 2025, s 17
pt 2 div 7 hdg	sub No. 28, 2025, s 6
s 46	sub No. 28, 2025, s 6
s 47	rep No. 28, 2025, s 6

s 48	amd No. 17, 2014, s 22
	rep No. 28, 2025, s 6
s 49	sub No. 17, 2014, s 15
	amd No. 19, 2021, s 58; No. 28, 2025, s 7
s 49A	ins No. 19, 2021, s 59
	amd No. 28, 2025, s 8
ss 55 – 56	amd No. 19, 2021, s 62
s 64	amd No. 8, 2016, s 45; No. 28, 2025, s 17
s 65	amd No. 19, 2021, s 62
s 66	amd No. 19, 2021, s 62; No. 28, 2025, s 17
ss 67 – 68	amd No. 17, 2014, s 22; No. 28, 2025, s 17
ss 70 – 71	amd No. 19, 2021, s 62
s 72	amd No. 19, 2021, s 60
s 75	amd No. 19, 2021, s 62
s 77	amd No. 17, 2014, s 22; No. 28, 2025, s 9
s 82	amd No. 28, 2025, s 10
s 83	amd No. 17, 2014, s 22; No. 28, 2025, s 17
s 84	amd No. 17, 2014, s 22; No. 28, 2025, s 11
s 85	amd No. 17, 2014, s 22; No. 28, 2025, s 17
s 86	rep No. 17, 2014, s 16
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s 87	amd No. 17, 2014, s 22; No. 28, 2025, s 17
ss 88	amd No. 17, 2014, s 22; No. 28, 2025, s 13
s 90	amd No. 17, 2014, s 22; No. 19, 2021, s 62; No. 28, 2025, s 17
s 91	amd No. 28, 2025, s 14
s 91A	ins No. 17, 2014, s 17
s 92	sub No. 17, 2014, s 18
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ss 94 – 104	ins No. 17, 2014, s 20
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s 105	ins No. 17, 2014, s 20
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ss 106 – 109	ins No. 19, 2021, s 61
pt 9 hdg	ins No. 22, 2021, s 15
ss 110 – 111	ins No. 22, 2021, s 15
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