

Serial 26

Statute Law Amendment (Territory Economic Reconstruction) Bill 2021

Ms Uibo

A Bill for an Act to amend the *Associations Act 2003*, the *Commercial Passenger (Road) Transport Act 1991*, the *Consumer Affairs and Fair Trading Act 1990*, the *Consumer Affairs and Fair Trading (Motor Vehicle Dealers) Regulations 1992*, the *Crown Lands Act 1992*, the *Environment Protection (Beverage Containers and Plastic Bags) Act 2011*, the *Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011*, the *Food Act 2004*, the *Gaming Control (Licensing) Regulations 1995*, the *Liquor Act 2019*, the *Minibus Regulations 1998*, the *Pastoral Land Act 1992*, the *Place Names Act 1967*, the *Planning Act 1999*, the *Planning Regulations 2000*, the *Territory Parks and Wildlife Conservation Act 1976*, the *Territory Parks and Wildlife Conservation By-laws 1984*, the *Waste Management and Pollution Control Act 1998*, the *Waste Management and Pollution Control (Administration) Regulations 1998*, the *Water Act 1992* and the *Water Regulations 1992* and to repeal the *Consumer Affairs and Fair Trading (Tow Truck Operators Code of Practice) Regulations 1996*, to implement certain recommendations of the Territory Economic Reconstruction Commission and for related purposes

NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW AMENDMENT (TERRITORY ECONOMIC
RECONSTRUCTION) ACT 2021

Act No. [] of 2021

Table of provisions

Part 1	Preliminary matters	
1	Short title	1
2	Commencement	2
Part 2	Amendment of Associations Act 2003	
3	Act amended	2
4	Section 4 amended (Definitions).....	2
5	Section 5 amended (Commissioner may exempt etc.)	2
Part 3	Amendment of commercial transport legislation	
Division 1	Commercial Passenger (Road) Transport Act 1991	
6	Act amended	3
7	Section 3 amended (Interpretation)	3
8	Section 38DA inserted	4
	38DA Substitute minibus licence	
Division 2	Minibus Regulations 1998	
9	Regulations amended.....	4
10	Schedule amended (Fees)	4
Division 3	Consumer Affairs and Fair Trading (Tow Truck Operators Code of Practice) Regulations 1996	
11	Regulations repealed.....	5

Part 4 Amendment of consumer affairs (motor vehicle dealers) legislation

Division 1 Consumer Affairs and Fair Trading Act 1990

12	Act amended	5
13	Section 4 amended (Interpretation)	5
14	Section 9 amended (Other powers of Commissioner)	5
15	Section 125 amended (Definitions for purposes of Part 10)	6
16	Section 132 amended (Application for licence).....	6
17	Section 141 amended (Annual fee and return).....	6
18	Section 155 replaced.....	7
	155 Register of Motor Vehicle Dealers	
19	Section 158 amended (Details to be entered in dealings register)	7
20	Section 159 amended (Seller to supply information to dealer)	8
21	Section 160 amended (Contract for sale of second-hand vehicle to be in prescribed form).....	8
22	Section 165 amended (Roadworthiness on sale of vehicle)	9
23	Section 169 amended (Exclusions from duty to repair)	9
24	Section 172 amended (Authority required by dealer for sale of motor vehicle on consignment).....	9
25	Section 244 amended (Interpretation)	10
26	Section 268 amended (Commissioner to keep register of licences)	10

Division 2 Consumer Affairs and Fair Trading (Motor Vehicle Dealers) Regulations 1992

27	Regulations amended.....	10
28	Regulation 3 amended (Interpretation)	10
29	Regulation 6 amended (Forms).....	11
30	Regulation 8 amended (Date of payment of annual licence fee)	11
31	Regulation 9 repealed (Register of Motor Vehicle Dealers).....	11
32	Regulation 11 replaced.....	12
	11 Requirements for certain contracts and documents	
33	Regulation 12 amended (Dealers managers).....	12
34	Regulation 14 amended (Approval of manager)	13
35	Schedule 1 amended (Fees)	13
36	Schedules 2 and 3 replaced	14
	Schedule 2 Warnings	

Part 5 Amendment of Crown lands legislation

Division 1 Crown Lands Act 1992

37	Act amended	14
----	-------------------	----

38	Section 50 replaced	15
	50 Re-appraisal of rent	
39	Part 10 inserted	16
	Part 10 Transitional matters for Statute Law Amendment (Territory Economic Reconstruction) Act 2021	
	109 Definitions	
	110 Transition of 10 year rent re-appraisal	

Division 2 Crown Lands Regulations 1992

40	Regulations amended.....	16
41	Regulations 5 and 6 repealed.....	16

Part 6 Amendment of environment protection (beverage containers and plastic bags) legislation

Division 1 Environment Protection (Beverage Containers and Plastic Bags) Act 2011

42	Act amended	17
43	Section 4 amended (Definitions).....	17
44	Section 10 amended (CDS established).....	19
45	Section 11 amended (Waste management arrangements generally).....	19
46	Section 13 replaced.....	20
	13 Supply of regulated container to beverage retailer	
47	Part 2, Division 5 heading amended (Delivery, acceptance and refund amounts)	21
48	Section 18 amended (Acceptance of empty approved containers by operator of collection depot).....	21
49	Sections 20A and 20B inserted	22
	20A Disposal of accepted container	
	20B Accepted container becoming unsuitable for recycling or reuse	
50	Section 21 amended (Making application).....	25
51	Section 23 amended (Deciding application)	25
52	Section 23A amended (Approval of waste management arrangement).....	25
53	Section 24 amended (Conditions of CDS approval generally).....	25
54	Section 24A repealed (Conditions of supply approval)	25
55	Section 24C amended (Conditions of coordinator approval)	26
56	Section 25 amended (Notice of decision on application)	26
57	Part 2, Division 6, Subdivision 4, heading and sections 42 to 44 replaced.....	27
	Division 6A Registration as CDS supplier	
	Subdivision 1 Application process for registration as CDS supplier	

	41A	Making application	
	41B	NT EPA may require further information	
	41C	Deciding application	
	41D	Conditions of registration	
	41E	Notice of decision	
	41F	Duration of registration	
	41G	Renewal of registration	
	41H	Variation of conditions of registration	
	41J	Surrender of registration	
	Subdivision 2	Suspension and cancellation of registration	
	41K	Grounds for suspending or cancelling registration	
	41L	Suspension or cancellation of registration	
	Subdivision 3	Administrative matters	
	41M	Registration certificate	
	41N	Register	
	41P	Notice of change of details	
	Division 6B	Miscellaneous matters	
	42	Contravention of condition	
	43	Keeping records of CDS activities	
	44	Annual returns	
58	Section 49 amended (Minister or NT EPA may establish targets for reuse, recycling or other disposal of approved containers).....		34
59	Section 49A inserted		35
	49A	Guidelines	
60	Section 72 amended (Power to require CDS approval holder to produce document).....		36
61	Part 8 inserted		37
	Part 8	Transitional matters for Statute Law Amendment (Territory Economic Reconstruction) Act 2021	
	105	Definitions	
	106	Supply approval holder taken to be registered	
	107	Application for supply approval	
	108	Approval of supplier arrangement	
62	Act further amended		39
Division 2	Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011		
63	Regulations amended.....		39
64	Regulation 2D amended (Approved refund marking)		39
65	Schedule amended (Infringement notice offences and prescribed amounts).....		40
Part 7	Amendment of Food Act 2004		
66	Act amended		40
67	Section 6 amended (Definitions).....		40

68	Section 36 amended (Reports by enforcement agencies).....	41
69	Section 71 amended (Application to register food business).....	41
70	Section 72A inserted	41
	72A Time for decision to grant or refuse registration	
71	Section 92 amended (Compliance with Food Standards Code)	42
72	Section 93 amended (Certificate of analysis)	42
73	Section 94 replaced.....	43
	94 Approval of individuals or organisations to carry out analyses	
74	Section 96 amended (Approved analyst to give notice of certain interests).....	43
75	Section 97 amended (Variation of conditions or suspension or cancellation of approval of approved analyst).....	44
76	Section 119 amended (Presumptions)	45

Part 8 Amendment of Gaming Control (Licensing) Regulations 1995

77	Regulations amended.....	45
78	Regulation 9 amended (Duration and renewal of licence).....	45

Part 9 Amendment of Liquor Act 2019

79	Act amended	46
80	Section 130 amended (Operating identification system)	46

Part 10 Amendment of Pastoral Land Act 1992

81	Act amended	47
82	Section 82 amended (Temporary closure of access)	47
83	Section 83 amended (Closure for rehabilitation and conservation purposes)	47
84	Section 87A amended (Public notice of application).....	48

Part 11 Amendment of Place Names Act 1967

85	Act amended	48
86	Section 10 amended (Meetings of the Committee).....	48
87	Section 11A amended (Delegation).....	49

Part 12 Amendment of planning legislation

Division 1 Planning Act 1999

88	Act amended	49
89	Section 47 amended (Public notice of development application).....	49
90	Section 47C repealed (Development application requiring only local notice)	50

91	Section 64 amended (Service easements).....	50
92	Section 93 amended (Chair may appoint member to act in another Division).....	50
93	Section 139 amended (Service of notices and other documents).....	50
94	Section 139A amended (Electronic publication)	51

Division 2 Planning Regulations 2000

95	Regulations amended.....	51
96	Regulation 6A amended (Notices and signs).....	51
97	Regulation 6B amended (Removing sign during submission period)	52
98	Regulation 7 amended (Developments with 28-day minimum submission period)	52
99	Regulation 8B repealed (Development application requiring only local notice).....	52

Part 13 Amendment of Territory parks and wildlife conservation legislation

Division 1 Territory Parks and Wildlife Conservation Act 1976

100	Act amended	52
101	Section 17 amended (Mining, works, forestry, etc. in parks, reserves and wilderness zones)	52
102	Sections 21A to 21G inserted	53
	21A Use and development of land	
	21B Application for authorisation	
	21C Factors relevant to authorisation	
	21D Terms and conditions of authorisation	
	21E Variation of authorisation	
	21F Cancellation of authorisation	
	21G Transfer of authorisation	

Division 2 Territory Parks and Wildlife Conservation By-laws 1984

103	By-laws amended	56
104	By-law 18 amended (Disturbance of natural features).....	56

Part 14 Amendment of waste management and pollution control legislation

Division 1 Waste Management and Pollution Control Act 1998

105	Act amended	56
-----	-------------------	----

106	Section 42 amended (Annual fee)	57
107	Section 45 amended (Suspension and cancellation of licences)	57

**Division 2 Waste Management and Pollution Control
(Administration) Regulations 1998**

108	Regulations amended.....	57
109	Regulation 5 replaced.....	58
5	Exemption, waiver or refund of fees	

Part 15 Amendment of water legislation

Division 1 Water Act 1992

110	Act amended	58
111	Section 4 amended (Interpretation)	58
112	Section 5 amended (Declarations of waterways).....	58
113	Section 20 amended (Power to enter land and take action)	59
114	Section 33B amended (Requirements for remediation notice)	59
115	Section 38 amended (Notice where private land disturbed)	59
116	Section 45 amended (Licence to take water).....	59
117	Section 51 amended (Surrender of licence)	60
118	Section 60 amended (Grant of licence to take groundwater).....	60
119	Section 60A amended (Licence to take groundwater for hydraulic fracturing)	60
120	Section 71B amended (Notice of intention to make water extraction licence decision).....	61
121	Section 71C amended (Making water extraction licence decision)	61
122	Section 71D amended (Notice of water extraction licence decision)	61
123	Section 71E amended (Notice of substituted or varied water extraction licence decision).....	62
124	Part 6B inserted	62
	Part 6B Development of land for subsequent licences	
	71F Application by developer	
	71G Granting licence to developer	
	71H Granting subsequent licences	
	71J Trading entitlements to water	
	71K Transfer of land	
	71L Breach of licence	
125	Section 74 amended (Grant of waste discharge licence)	65
126	Section 95 replaced	66
	95 Registers	
127	Section 108 amended (Regulations)	66

Division 2 Water Regulations 1992

128	Regulations amended.....	66
129	Regulation 3 amended (Applications and forms).....	66
130	Regulation 5 amended (Water investigation permit).....	67
131	Regulation 6 amended (Permit to interfere with waterway)	67
132	Regulation 15 replaced.....	68
	15 Renewal of permits and licences	
133	Regulation 17 amended (Register of water extraction licences)....	69
134	Regulation 19 amended (Infringement notice offence and prescribed amount payable)	69
135	Schedule replaced.....	70
	Schedule Infringement notice offences, environmental offence levels and prescribed amounts	

Part 16 Repeal of Act

136	Repeal of Act.....	71
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**Schedule Environment Protection (Beverage
Containers and Plastic Bags) Act 2011
further amended**



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2021

A Bill for an Act to amend the *Associations Act 2003*, the *Commercial Passenger (Road) Transport Act 1991*, the *Consumer Affairs and Fair Trading Act 1990*, the *Consumer Affairs and Fair Trading (Motor Vehicle Dealers) Regulations 1992*, the *Crown Lands Act 1992*, the *Environment Protection (Beverage Containers and Plastic Bags) Act 2011*, the *Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011*, the *Food Act 2004*, the *Gaming Control (Licensing) Regulations 1995*, the *Liquor Act 2019*, the *Minibus Regulations 1998*, the *Pastoral Land Act 1992*, the *Place Names Act 1967*, the *Planning Act 1999*, the *Planning Regulations 2000*, the *Territory Parks and Wildlife Conservation Act 1976*, the *Territory Parks and Wildlife Conservation By-laws 1984*, the *Waste Management and Pollution Control Act 1998*, the *Waste Management and Pollution Control (Administration) Regulations 1998*, the *Water Act 1992* and the *Water Regulations 1992* and to repeal the *Consumer Affairs and Fair Trading (Tow Truck Operators Code of Practice) Regulations 1996*, to implement certain recommendations of the Territory Economic Reconstruction Commission and for related purposes

[Assented to [] 2021]
[Introduced [] 2021]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Statute Law Amendment (Territory Economic Reconstruction) Act 2021*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 1 May 2023, it commences on that day.

Part 2 Amendment of Associations Act 2003

3 Act amended

This Part amends the *Associations Act 2003*.

4 Section 4 amended (Definitions)

Section 4, at the end

insert

Note for section 4

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

5 Section 5 amended (Commissioner may exempt etc.)

- (1) Section 5(1)

omit

all words from "may, on the" to "section:"

insert

may:

- (2) Section 5(1)(b)

omit

the association or an officer of the

insert

an incorporated association or an officer of an incorporated

(3) After section 5(1)

insert

(1A) The power under subsection (1) may be exercised:

(a) on the Commissioner's own initiative; or

(b) on the application of an incorporated association, an officer of an incorporated association or a person authorised by an incorporated association to make an application under this section.

(4) Section 5(2)

omit

the application

insert

an extension or exemption under subsection (1)

Part 3 Amendment of commercial transport legislation

Division 1 Commercial Passenger (Road) Transport Act 1991

6 Act amended

This Division amends the *Commercial Passenger (Road) Transport Act 1991*.

7 Section 3 amended (Interpretation)

Section 3(1)

insert

substitute minibus licence means a licence issued under section 38DA.

8 Section 38DA inserted

After section 38D

insert

38DA Substitute minibus licence

- (1) An accredited operator of a minibus licence may apply to the Director for a substitute minibus licence for an approved motor vehicle to be used as a minibus during periods when the licensed minibus is being serviced, maintained or repaired or is for any other reason unavailable for use.
- (2) An application under subsection (1) must be in the approved form and accompanied by the prescribed fee (if any).
- (3) The Director may require an applicant for a substitute minibus licence to provide further information.
- (4) The Director may issue a substitute minibus licence, subject to subsection (5) and any other conditions the Director considers appropriate.
- (5) It is a condition of every substitute minibus licence that, except as otherwise authorised by the Director, the motor vehicle in respect of which the licence is granted is not to be used as a minibus unless it has affixed to it the identification plate or plates approved by the Director under this Act.

Division 2 Minibus Regulations 1998

9 Regulations amended

This Division amends the *Minibus Regulations 1998*.

10 Schedule amended (Fees)

Schedule, after item 1A

insert

1B	Application for substitute minibus licence	\$300
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Division 3 Consumer Affairs and Fair Trading (Tow Truck Operators Code of Practice) Regulations 1996

11 Regulations repealed

The following regulations are repealed:

- (a) *Consumer Affairs and Fair Trading (Tow Truck Operators Code of Practice) Regulations 1996* (Subordinate Legislation No. 5 of 1996);
- (b) *Amendments of Consumer Affairs and Fair Trading (Tow Truck Code of Practice) Regulations 2002* (Subordinate Legislation No. 11 of 2002).

Part 4 Amendment of consumer affairs (motor vehicle dealers) legislation

Division 1 Consumer Affairs and Fair Trading Act 1990

12 Act amended

This Division amends the *Consumer Affairs and Fair Trading Act 1990*.

13 Section 4 amended (Interpretation)

- (1) Section 4(1)

insert

approved form means a form approved under section 9(5).

- (2) Section 4(1), at the end

insert

Note for section 4(1)

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

14 Section 9 amended (Other powers of Commissioner)

After section 9(4)

insert

- (5) The Commissioner may approve forms for this Act.

15 Section 125 amended (Definitions for purposes of Part 10)

(1) Section 125, heading

omit

purposes of

(2) Section 125(2)

omit

prescribed

insert

approved

16 Section 132 amended (Application for licence)

(1) Section 132(2)

omit

prescribed form

insert

approved form

(2) section 132(2)

omit

or otherwise prescribed

17 Section 141 amended (Annual fee and return)

(1) Section 141(1)(b)

omit

containing the prescribed information

insert

in the approved form

(2) Section 141(4)

omit

shall

insert

must

(3) Section 141(4)

omit

prescribed

insert

approved

18 Section 155 replaced

Section 155

repeal

155 Register of Motor Vehicle Dealers

The Commissioner must keep a register of licensed dealers, in the form the Commissioner considers appropriate, to be known as the Register of Motor Vehicles.

19 Section 158 amended (Details to be entered in dealings register)

(1) Section 158(3)(b)

omit

prescribed

insert

approved

(2) Section 158(4)(d)

omit

an indication to that effect in the prescribed form

insert

a statement to that effect

20 Section 159 amended (Seller to supply information to dealer)

Section 159(2)

omit, insert

- (2) The prescribed information is the information required by the form approved for this section, and the person required to supply it must, if requested by the dealer, provide the information by completing and signing the approved form.

21 Section 160 amended (Contract for sale of second-hand vehicle to be in prescribed form)

- (1) Section 160, heading

omit

prescribed

insert

approved

- (2) Section 160(1) and (2)

omit

prescribed

insert

approved

- (3) After section 160(7)

insert

- (8) Additional requirements in relation to a contract under this section may be prescribed by regulation.

22 Section 165 amended (Roadworthiness on sale of vehicle)

- (1) Section 165(2)(b)
omit
all words after "contract"
insert
in the approved form for this paragraph that excludes its application
- (2) After section 165(2)
insert
- (3) Additional requirements in relation to a contract under this section may be prescribed by regulation.

23 Section 169 amended (Exclusions from duty to repair)

- (1) Section 169(4)(a)
omit
prescribed
insert
approved
- (2) After section 169(4)
insert
- (8) Additional requirements in relation to a document under subsection (4)(a) may be prescribed by regulation.

24 Section 172 amended (Authority required by dealer for sale of motor vehicle on consignment)

- (1) Section 172(1) and (3)
omit
shall
insert
must

(2) Section 172(1)

omit

prescribed

insert

approved

25 Section 244 amended (Interpretation)

Section 244(1), definition ***approved***

omit

26 Section 268 amended (Commissioner to keep register of licences)

Section 268(1)

omit

a form approved by the Commissioner

insert

an approved form

Division 2 Consumer Affairs and Fair Trading (Motor Vehicle Dealers) Regulations 1992

27 Regulations amended

This Division amends the *Consumer Affairs and Fair Trading (Motor Vehicle Dealers) Regulations 1992*.

28 Regulation 3 amended (Interpretation)

(1) Regulation 3

omit

, unless the contrary intention appears

(2) Regulation 3, definition ***form***

omit

29 Regulation 6 amended (Forms)

- (1) Regulation 6(1), (2) and (3)
omit, insert
- (2) The information required to be provided in an approved form is the prescribed information for the purposes of the provisions of the Act or these Regulations, as the case requires, in relation to the approved form.
- (3) An approved form must be completed in accordance with the directions given in the approved form.
- (2) Regulation 6(4)
omit
shall
insert
must
- (3) Regulation 6(4), after "completed"
insert
approved

30 Regulation 8 amended (Date of payment of annual licence fee)

- Regulation 8(2)
omit

31 Regulation 9 repealed (Register of Motor Vehicle Dealers)

- Regulation 9
repeal

32 Regulation 11 replaced

Regulation 11

repeal, insert

11 Requirements for certain contracts and documents

- (1) An approved form for a contract under section 160 of the Act must include the warning in Schedule 2, clause 1.
- (2) An approved form for a contract under section 165(2)(b) of the Act must include the warning in Schedule 2, clause 2.
- (3) The following must be executed in duplicate and a completed copy given to the purchaser:
 - (a) a contract under section 160 of the Act;
 - (b) a contract under section 165(2)(b) of the Act;
 - (c) a document under section 169(4)(a) of the Act.
- (4) Before a contract or document referred to in subregulation (3)(b) or (c) is signed by the purchaser, the warning set out in the contract must be read to the purchaser by an authorised officer or a police officer.
- (5) A contract or document referred to in subregulation (3)(b) or (c) must be:
 - (a) executed in the presence of the person who read the prescribed warning to the purchaser; and
 - (b) witnessed by the person who read the prescribed warning to the purchaser.

33 Regulation 12 amended (Dealers managers)

(1) Regulation 12(1)

omit, insert

- (1) An application to be approved as a dealer's manager must be made to the Commissioner in the approved form and accompanied by the prescribed fee specified in Schedule 1.

(2) Regulation 12(5)

omit

shall

insert

must

(3) Regulation 12(5)

omit

application

insert

approved

34 Regulation 14 amended (Approval of manager)

Regulation 14(1)

omit

shall be in the form of Form 15

insert

must be in the approved form

35 Schedule 1 amended (Fees)

Schedule 1, items 10, 11 and 12

omit

Manager

insert

dealer's manager

36 Schedules 2 and 3 replaced

Schedules 2 and 3

repeal, insert

Schedule 2 Warnings

regulation 11

1. This warning is to be read to the purchaser by an officer authorised by the Commissioner, or member of the Police Force of the Northern Territory who is witnessing this contract.

"This is to warn you that you are signing away many of your consumer rights and entitlements to warranty repairs to this vehicle and, should you experience a breakdown or require a repair that under the law the dealer is required to repair or see to, you may have to cover these costs yourself. However, you can still expect the vehicle you are purchasing (the subject of this form) to be fit for its intended purpose, which for example requires the vehicle to be safe and remain registrable under Northern Territory law for a reasonable time after you purchase it. If you experience difficulties with this vehicle or it breaks down after purchase, contact the dealer immediately. Keep this form safe and if you have any further queries regarding this, you are advised to contact Consumer Affairs."

2. This warning is to be read to the purchaser by an officer authorised by the Commissioner, or member of the Police Force of the Northern Territory who is witnessing this contract.

"This is to warn you that the vehicle purchased under this contract may not be fit to drive on a public road and may not be safe to use. Therefore it should not be driven by you from the dealer's yard in its present condition. Using this vehicle on a public road in its present unregistrable condition could place you and others at risk."

Part 5 Amendment of Crown lands legislation

Division 1 Crown Lands Act 1992

37 Act amended

This Division amends the *Crown Lands Act 1992*.

38 Section 50 replaced

Section 50

repeal, insert

50 Re-appraisalment of rent

- (1) The rent under a lease that is subject to re-appraisalment under this Act must be re-appraised in accordance with this section.
- (2) The rent must be re-appraised before the re-appraisalment date to take effect on the re-appraisalment date.
- (3) The Minister must give the lessee written notice of the re-appraised rent at least 6 months before the re-appraisalment date.
- (4) The Minister may, at any time before the re-appraisalment date, defer the re-appraisalment date by giving the lessee written notice of the deferred re-appraisalment date.
- (5) If the Minister does not give a notice of re-appraisalment by the date required under subsection (3), the re-appraisalment date is deferred for 1 year.
- (6) The amount of re-appraised rent is the amount specified in the notice given under subsection (3) or as otherwise determined under this Act.
- (7) The re-appraised rent is payable on and from the re-appraisalment date.
- (8) The **re-appraisalment date** for a lease is:
 - (a) the date of the fifth anniversary of the commencement date of the lease or the date of any deferral under subsection (4) or (5); or
 - (b) the date of the fifth anniversary of the date the rent was last re-appraised under this Act.

39 Part 10 inserted

After section 108

insert

**Part 10 Transitional matters for Statute Law
Amendment (Territory Economic
Reconstruction) Act 2021**

109 Definitions

In this Part:

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

commencement means the commencement of section 38 of the amending Act.

110 Transition of 10 year rent re-appraisalment

If the rent under a lease to which section 50 applies was last re-appraised more than 5 years before the commencement, the next re-appraisalment date for the lease is the next anniversary of the commencement date of the lease that occurs more than 6 months after the commencement.

Division 2 Crown Lands Regulations 1992

40 Regulations amended

This Division amends the *Crown Lands Regulations 1992*.

41 Regulations 5 and 6 repealed

Regulations 5 and 6

repeal

Part 6 Amendment of environment protection (beverage containers and plastic bags) legislation

Division 1 Environment Protection (Beverage Containers and Plastic Bags) Act 2011

42 Act amended

This Division amends the *Environment Protection (Beverage Containers and Plastic Bags) Act 2011*.

43 Section 4 amended (Definitions)

(1) Section 4, definitions ***affected person, approved container, CDS approval, supplier, supplier barcode document, supplier sales document*** and ***supply approval***

omit

(2) Section 4

insert

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.

affected person, for a decision, means:

- (a) for a decision in relation to an application for a CDS approval or registration – the applicant; or
- (b) for any decision in relation to which the holder of a CDS approval or a CDS supplier is given a review notice – the holder of the CDS approval or the CDS supplier.

CDS approval means a collection approval or coordinator approval.

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

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

permitted container means a regulated container that:

- (a) is supplied in the Territory by a CDS supplier; and
- (b) bears the approved refund marking.

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

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

- (3) Section 4, definitions **material type** and **refund amount**

omit

an approved

insert

a permitted

- (4) Section 4, definition **reverse vending machine**, paragraph (a)

omit (all references)

approved

insert

permitted

- (5) Section 4, definition **supplier arrangement**, after "between a"

insert

person who is, or intends to apply to become, a CDS

- (6) Section 4, at the end

insert

Note for section 4

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

44 Section 10 amended (CDS established)

(1) Section 10(2)(a)

omit

approved containers;

insert

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;

(2) After section 10(2)(d)

insert

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

(3) Section 10(2)(b) and (e) to (h)

omit

approved containers

insert

permitted containers

45 Section 11 amended (Waste management arrangements generally)

(1) Section 11(1)(b)

omit

approved

insert

permitted

(2) Section 11(2)(e), after "by a"

insert

CDS

46 Section 13 replaced

Section 13

repeal, insert

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.

47 Part 2, Division 5 heading amended (Delivery, acceptance and refund amounts)

Part 2, Division 5, heading, after "**acceptance**"

insert

and disposal of containers

48 Section 18 amended (Acceptance of empty approved containers by operator of collection depot)

(1) Section 18, heading

omit

approved

insert

permitted

(2) Section 18(1)(a)

omit

an approved

insert

a permitted

(3) Section 18(3)

omit

establishes

insert

has

(4) Section 18(4)(a)(i)

omit, insert

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

(5) Section 18(6)

omit

approved

insert

permitted

49 Sections 20A and 20B inserted

After section 20, in Part 2, Division 5

insert

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 NT EPA; 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 NT EPA 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 NT EPA 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 NT EPA.

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.

50 Section 21 amended (Making application)

Section 21(2)

omit

51 Section 23 amended (Deciding application)

(1) Section 23(2)(a), after "arrangement"

insert

(other than a supplier arrangement)

(2) Section 23(2)(b)(ii)

omit

basis; and

insert

basis.

(3) Section 23(2)(c)

omit

52 Section 23A amended (Approval of waste management arrangement)

After section 23A(3)

insert

(4) A supplier arrangement does not need to be approved by the NT EPA.

53 Section 24 amended (Conditions of CDS approval generally)

Section 24(c)

omit

24A(1),

54 Section 24A repealed (Conditions of supply approval)

Section 24A

repeal

55 Section 24C amended (Conditions of coordinator approval)

(1) Section 24C(a)

omit

supplier barcode document from the

insert

container identification document from the CDS

(2) Section 24C(b)

omit

supplier barcode

insert

container identification

(3) Section 24C(c) to (f)

omit

approved

insert

permitted

56 Section 25 amended (Notice of decision on application)

Section 25(3)

omit, insert

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

57 Part 2, Division 6, Subdivision 4, heading and sections 42 to 44 replaced

Part 2, Division 6, Subdivision 4, heading and sections 42 to 44
repeal, insert

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 NT EPA 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 NT EPA may require further information

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

41C Deciding application

- (1) The NT EPA must consider the application and decide whether or not to grant registration to the applicant.
- (2) The NT EPA 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 NT EPA 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 NT EPA 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 NT EPA a copy of all waste management arrangements to which the supplier is a party;
 - (g) any other conditions imposed by the NT EPA 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 NT EPA grants registration subject to a condition imposed under section 41D(1)(g), the NT EPA must give the applicant a review notice for the decision to impose the condition.

Note for subsection (1)

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

- (2) If the NT EPA refuses to grant registration, the NT EPA 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 NT EPA.

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 NT EPA 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 NT EPA that it has ceased supplying regulated containers in the Territory.

41L Suspension or cancellation of registration

- (1) If the NT EPA 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 NT EPA 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 NT EPA cancels a CDS supplier's registration under subsection (2), the following apply:
- (a) the NT EPA must give the supplier written notice of the cancellation;
 - (b) the NT EPA 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 NT EPA must issue a person with a registration certificate if:
- (a) the NT EPA 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 NT EPA.

Example for subsection (3)

A certificate of registration may be issued electronically.

41N Register

- (1) The NT EPA 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 NT EPA 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 NT EPA 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 NT EPA 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 NT EPA 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 NT EPA must give written notice of the suspension or cancellation to the person.

58 Section 49 amended (Minister or NT EPA may establish targets for reuse, recycling or other disposal of approved containers)

- (1) Section 49, heading

omit

approved

insert

permitted

(2) Section 49(1)(a)

omit

appropriate disposal of approved

insert

authorised disposal of permitted

(3) Section 49(2)(c)

omit

approvals.

insert

approvals or a particular class of CDS suppliers.

(4) Section 49(3)

omit, insert

(3) If targets are established for subsection (2)(c), the NT EPA 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.

59 Section 49A inserted

After section 49

insert

49A Guidelines

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

(2) The NT EPA must publish the guidelines on its website.

60 Section 72 amended (Power to require CDS approval holder to produce document)

(1) Section 72, heading, after "**holder**"

insert

or CDS supplier

(2) Section 72(1)

omit

all words after "CDS approval"

insert

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.

(3) Section 72(2)

omit

establishes

insert

or CDS supplier has

(4) Section 72(4), after "holder"

insert

or CDS supplier

(5) Section 72(6)

omit

establishes

insert

has

(6) Section 72(7)

omit

all words after "an approval holder"

insert

or CDS supplier to fail to produce a document if complying with the requirement might tend to incriminate the approval holder or supplier.

61 Part 8 inserted

After section 104

insert

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.

Part 6	Amendment of environment protection (beverage containers and plastic bags) legislation
Division 2	Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011

- (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).

62 Act further amended

The Schedule has effect.

Division 2 Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011

63 Regulations amended

This Division amends the *Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011*.

64 Regulation 2D amended (Approved refund marking)

Regulation 2D(1)(c)

omit

points/depots

insert

depots/points

65 Schedule amended (Infringement notice offences and prescribed amounts)

Schedule

omit

sections 17(4) and (6), 43(1) and 44(1) of Act 1

insert

section 17(4) and (6) of the Act 1

sections 20A(3) and 20B(4) and (5) of the Act 2

section 41P(1) of the Act 1

section 42(1) of the Act 2

sections 43(1) and 44(1) of the Act 1

Part 7 Amendment of Food Act 2004

66 Act amended

This Part amends the *Food Act 2004*.

67 Section 6 amended (Definitions)

(1) Section 6

insert

organisation, in relation to an approved analyst, means the following:

- (a) an Agency or an entity in another jurisdiction similar to an Agency;
- (b) a body corporate;
- (c) a body politic.

(2) Section 6, definition **approved analyst**

omit

a person

insert

an individual or organisation

(3) Section 6, at the end

insert

Note for section 6

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

68 Section 36 amended (Reports by enforcement agencies)

Section 36(3)

omit

one month

insert

30 days

69 Section 71 amended (Application to register food business)

Section 71(1)

omit

one month

insert

30 days

70 Section 72A inserted

After section 72

insert

72A Time for decision to grant or refuse registration

- (1) The decision under section 72 whether to register a food business must be made within 30 days of the later of the following:
 - (a) the day the Chief Health Officer receives a complete application, including payment of any prescribed fee;

- (b) the day any further information requested under section 71(3) is provided to the Chief Health Officer.
- (2) The Chief Health Officer may, at the Chief Health Officer's discretion, extend or abridge the time specified in subsection (1), even if the time has expired.
- (3) Failure by the Chief Health Officer to meet the time required under subsection (1) does not for that reason alone invalidate the decision.

71 Section 92 amended (Compliance with Food Standards Code)

Section 92

omit

person

insert

approved analyst, or the individual being supervised by an approved analyst,

72 Section 93 amended (Certificate of analysis)

- (1) Section 93(1)

omit

who carried out the analysis or who supervised the carrying out of the analysis

- (2) After section 93(2)

insert

- (3) For subsection (2)(b), the approved analyst is the following:
- (a) if the approved analyst is an individual – the individual;
- (b) if the approved analyst is an organisation – an individual who is:
- (i) an employee or officer of the organisation; and
- (ii) authorised by the organisation to sign the certificate of analysis.

73 Section 94 replaced

Section 94

repeal, insert

94 Approval of individuals or organisations to carry out analyses

- (1) An individual or organisation may make an application to the Chief Health Officer for approval to carry out analyses under this Act.
- (2) The application must be:
 - (a) in an approved form; and
 - (b) accompanied by the information the Chief Health Officer requires to determine the application; and
 - (c) accompanied by the prescribed fee (if any).
- (3) After considering the application, the Chief Health Officer may:
 - (a) approve the individual or organisation (with or without conditions) to carry out analyses under this Act; or
 - (b) refuse the application for approval.
- (4) If the Chief Health Officer approves an individual or organisation, the Chief Health Officer must give written notice to the individual or organisation of the approval (including any conditions).
- (5) If the Chief Health Officer refuses an application, the Chief Health Officer must give written notice to the individual or organisation of the refusal and the reasons for the refusal.

74 Section 96 amended (Approved analyst to give notice of certain interests)

- (1) Section 96(1)

omit

he or she

insert

the approved analyst

(2) After section 96(2)

insert

(3) For subsections (1) and (2), if an approved analyst is an organisation, the notification of the interests under subsection (1) or (2) must be given by the organisation in relation to the organisation and the officers of the organisation.

75 Section 97 amended (Variation of conditions or suspension or cancellation of approval of approved analyst)

(1) Section 97(1) and (2)

omit

his or her

insert

the Chief Health Officer's

(2) Section 97(2)(b) and (c)

omit

his or her

insert

the approved analyst's

(3) Section 97(2)(d), after "analyst"

insert

, including any officers or employees of an organisation that is the approved analyst,

(4) Section 97(3)

omit

he or she

insert

the Chief Health Officer

- (5) Section 97(3)(a)
omit (all references)
his or her
insert
the Chief Health Officer's

76 Section 119 amended (Presumptions)

- (1) Section 119, before "In"
insert
(1)
- (2) Section 119, at the end
insert
(2) For subsection (1)(h), the approved analyst is the following:
- (a) if the approved analyst is an individual – the individual;
 - (b) if the approved analyst is an organisation – an individual who is:
 - (i) an employee or officer of the organisation; and
 - (ii) authorised by the organisation to sign the certificate of analysis.

Part 8 Amendment of Gaming Control (Licensing) Regulations 1995

77 Regulations amended

This Part amends the *Gaming Control (Licensing) Regulations 1995*.

78 Regulation 9 amended (Duration and renewal of licence)

- (1) Regulation 9(4)
omit, insert
- (4) The Director must consider an application for the renewal of a licence and, if the Director is satisfied that the applicant has

complied with the terms and conditions of the licence and is not otherwise prevented from having the applicant's licence renewed by a provision of or under the Act, must renew the licence.

(2) Regulation 9(5)

omit

shall

insert

must

(3) Regulation 9(6)

omit, insert

(6) If a licensed person makes an application for the renewal of a full licence, the full licence continues in force until the later of:

(a) despite subregulation (1)(b), the date of its expiration; or

(b) the application for its renewal is determined.

Part 9 Amendment of Liquor Act 2019

79 Act amended

This Part amends the *Liquor Act 2019*.

80 Section 130 amended (Operating identification system)

Section 130(2) and (3)

omit, insert

(2) If required to use the identification system, a licensee or a licensee's employee must not sell liquor to an individual unless:

(a) subject to subsection (3), the individual presents an approved form of identification of the individual, which appears to be authentic; and

(b) the licensee or employee operates the system using the identification or the details included in the identification to check whether the person is prohibited under section 128(1); and

- (c) the system indicates the individual is not prohibited under section 128(1).
- (3) In the case of a purchase not made in person, the individual may provide details of an approved form of identification of the individual instead of complying with subsection (2)(a).

Part 10 Amendment of Pastoral Land Act 1992

81 Act amended

This Part amends the *Pastoral Land Act 1992*.

82 Section 82 amended (Temporary closure of access)

- (1) Section 82(1)
- omit*
- notice in a newspaper circulating in the part of the Territory in which the pastoral land is situated
- insert*
- giving public notice
- (2) After section 82(1)
- insert*
- (1A) The Board may determine the manner in which the public notice is to be given.

83 Section 83 amended (Closure for rehabilitation and conservation purposes)

- (1) Section 83(2)
- omit*
- notice and in a newspaper circulating in the area in which the land is situated
- insert*
- by giving public notice

(2) After section 83(2)

insert

(2A) The Board may determine the manner in which the public notice is to be given.

84 Section 87A amended (Public notice of application)

(1) Section 87A(2)

omit, insert

(2) The Board may determine the manner in which the public notice is to be given.

(2) Section 87A(3)(b)

omit, insert

(b) be in the form approved by the Board; and

Part 11 Amendment of Place Names Act 1967

85 Act amended

This Part amends the *Place Names Act 1967*.

86 Section 10 amended (Meetings of the Committee)

(1) Section 10, heading

omit

the

(2) Section 10(1)

omit, insert

(1) The Chairperson of the Committee:

(a) may convene a meeting of the Committee at any time on the Chairperson's own initiative; and

(b) must convene a meeting of the Committee when requested to do so by the Minister.

(1A) Subject to this Act, the Committee is to determine the procedures to be followed at or in connection with its meetings.

87 Section 11A amended (Delegation)

(1) Section 11A(2)(e)

omit

years.

insert

years; or

(2) After section 11A(2)(e)

insert

(f) the altering of the road type part of the name of a highway, road, street, lane, trail or thoroughfare that has been named under this Act.

Example for subsection (2)(f)

Altering Godfrey Court to Godfrey Circuit.

(3) Section 11A(2)(a), (b) and (c), at the end

insert

or

Part 12 Amendment of planning legislation

Division 1 Planning Act 1999

88 Act amended

This Division amends the *Planning Act 1999*.

89 Section 47 amended (Public notice of development application)

(1) Section 47(1)

omit, insert

(1) Subject to sections 47A and 47B, before the consent authority determines a development application it must:

(a) give public notice of the application; or

(b) require, by written direction, the applicant to give public notice of the application.

(2) Section 47(3)

omit

(3) Section 47(4) and (5)

omit

47C,

90 Section 47C repealed (Development application requiring only local notice)

Section 47C

repeal

91 Section 64 amended (Service easements)

Section 64(1), (4), (5), (8) and (9), after "service authority" (*all references*)

insert

or local government council

92 Section 93 amended (Chair may appoint member to act in another Division)

Section 93(2)(a)

omit

with reference to section 91(3)

93 Section 139 amended (Service of notices and other documents)

Section 139(1)

omit, insert

(1) Except if otherwise provided in this Act, a notice or other document required by this Act to be given to, or served on, a person may be given or served as follows:

(a) in any manner provided under section 25 of the *Interpretation Act 1978*;

- (b) by sending it to the recipient by means of a method of electronic transmission that provides a record of receipt or delivery;
- (c) in the case of a corporation – in accordance with the *Corporations Act 2001* (Cth).

94 Section 139A amended (Electronic publication)

Section 139A(1)

omit

is capable of informing the same audience

insert

makes it publicly available in the Territory

Division 2 Planning Regulations 2000

95 Regulations amended

This Division amends the *Planning Regulations 2000*.

96 Regulation 6A amended (Notices and signs)

- (1) Regulation 6A(1)(b)

omit

Act;

insert

Act.

- (2) Regulation 6A(1)(c)

omit

- (3) Regulation 6A(3)

omit

or 47C

97 Regulation 6B amended (Removing sign during submission period)

Regulation 6B(1) and (2)(b)

omit

or 47C

98 Regulation 7 amended (Developments with 28-day minimum submission period)

Regulation 7(k), after "unzoned land"

insert

of more than 5ha

99 Regulation 8B repealed (Development application requiring only local notice)

Regulation 8B

repeal

Part 13 Amendment of Territory parks and wildlife conservation legislation

Division 1 Territory Parks and Wildlife Conservation Act 1976

100 Act amended

This Division amends the *Territory Parks and Wildlife Conservation Act 1976*.

101 Section 17 amended (Mining, works, forestry, etc. in parks, reserves and wilderness zones)

(1) Section 17(3), after "management"

insert

or an authorisation granted under section 21A

(2) Section 17(7), after "of management"

insert

or an authorisation granted under section 21A

102 Sections 21A to 21G inserted

After section 21, in Part 2

insert

21A Use and development of land

- (1) The Commission may authorise the use and development of land in a park or reserve for any of the following purposes:
 - (a) conservation;
 - (b) education;
 - (c) hospitality;
 - (d) retail;
 - (e) tourism;
 - (f) Aboriginal community living area;
 - (g) any purpose that promotes the protection or presentation of the park or reserve.
- (2) The use and development of land may be authorised under this section if:
 - (a) there is no plan of management in force in respect of the land;
or
 - (b) there is a plan of management in force in respect of the land and the use and development must not be inconsistent with the plan.
- (3) To avoid doubt, the Commission may authorise itself under subsection (1).
- (4) This section does not give the Commission the power to authorise the subdivision of land.

Note for section 21A

The use and development of land include a wide variety of activities, including constructing campgrounds, roads and structures and other activities that alter land.

21B Application for authorisation

- (1) A person may apply to the Commission for authorisation to use and develop land in a park or reserve for any purpose specified in section 21A(1).
- (2) An application under subsection (1) must be:
 - (a) in a form approved by the Commission; and
 - (b) accompanied by any fee determined by the Commission.

21C Factors relevant to authorisation

- (1) Before deciding whether to authorise a use or development under section 21A, the Commission must consider the following:
 - (a) the alternative uses and developments of the land;
 - (b) the ecological sustainability of the affected environment;
 - (c) any objectives and principles applicable to the land under section 25AB, 25AC or 31;
 - (d) the protection of biological diversity of the affected land;
 - (e) any plan of management in force in respect of the land;
 - (f) the public interest;
 - (g) the views of traditional owners or native title holders of the affected land;
 - (h) any other matters the Commission considers relevant.
- (2) The Commission must not authorise any use or development of land that is inconsistent with any plan of management of the land.
- (3) Unless justified in the circumstances, the Commission must not authorise a person found guilty of an offence related to the environment, wildlife or the use or development of land within the 5 year period immediately before the person applies for the authorisation.
- (4) An authorisation must be in a form approved by the Commission.

21D Terms and conditions of authorisation

- (1) An authorisation under section 21A is subject to any terms and conditions specified by the Commission.

- (2) It is a condition of an authorisation that the holder of the authorisation and each person employed or otherwise engaged by the holder of the authorisation complies with the authorisation and this Act.
- (3) In the event of an inconsistency between this Act and a term or condition of an authorisation imposed by the Commission, the Act prevails.

21E Variation of authorisation

- (1) The Commission may, by written notice to the holder of an authorisation under section 21A, vary a term or condition of the authorisation if it considers it appropriate.
- (2) The variation may be made on:
 - (a) the Commission's own initiative; or
 - (b) the application by the holder of an authorisation to the Commission.
- (3) An application under subsection (2)(b) must be in a form approved by the Commission.
- (4) A variation may add, substitute or delete a term or condition of an authorisation.
- (5) A variation of an authorisation takes effect on the later of the following:
 - (a) the date the notice of the variation is served on the holder of the authorisation;
 - (b) the date specified in the notice.

21F Cancellation of authorisation

- (1) The Commission may, by written notice to the holder of an authorisation under section 21A, cancel the authorisation if the holder of the authorisation:
 - (a) fails to pay a fee or royalty required under the authorisation; or
 - (b) is found guilty of an offence against this Act or a regulation or by-law made under this Act; or
 - (c) pays a prescribed amount under an infringement notice issued under the regulations or by-laws; or
 - (d) contravenes any term or condition of the authorisation; or

- (e) requests in writing that the authorisation be cancelled.
- (2) The cancellation of an authorisation takes effect on the date specified in the notice.

21G Transfer of authorisation

- (1) The Commission may approve the transfer of an authorisation under section 21A.
- (2) The holder of an authorisation may apply to the Commission, to approve the transfer of the authorisation, in a form approved by the Commission.
- (3) A transfer of an authorisation takes effect on the later of the following:
 - (a) the date the notice of the transfer is served on the holder of the authorisation;
 - (b) the date specified for that purpose in the notice.

Division 2 Territory Parks and Wildlife Conservation By-laws 1984

103 By-laws amended

This Division amends the *Territory Parks and Wildlife Conservation By-laws 1984*.

104 By-law 18 amended (Disturbance of natural features)

By-law 18(1), after "Act"

insert

or authorisation under section 21A of the Act

Part 14 Amendment of waste management and pollution control legislation

Division 1 Waste Management and Pollution Control Act 1998

105 Act amended

This Division amends the *Waste Management and Pollution Control Act 1998*.

106 Section 42 amended (Annual fee)

- (1) Section 42(1)
omit
, subject to subsection (4),
- (2) Section 42(4) and (5)
omit, insert
- (5) If a person has not paid an annual fee on or before the due date, the NT EPA may notify the person in writing that unless the fee is paid by a specified date the person's licence may be suspended.
- (5A) The date specified in a notice under subsection (5) must be at least 14 days after the date of the notice.
- (3) Section 42(6)
omit
Where
insert
If

107 Section 45 amended (Suspension and cancellation of licences)

- Section 45(2)
omit
all words from "Where" to "must"
insert
If a person has not paid an annual fee required under section 42 by the date specified in a notice under section 42(5), the NT EPA may

**Division 2 Waste Management and Pollution Control
(Administration) Regulations 1998**

108 Regulations amended

This Division amends the *Waste Management and Pollution Control (Administration) Regulations 1998*.

109 Regulation 5 replaced

Regulation 5

repeal, insert

5 Exemption, waiver or refund of fees

The NT EPA may, if the NT EPA considers it appropriate, do any of the following in relation to a prescribed fee:

- (a) exempt a person from payment of the fee;
- (b) waive (wholly or partly) payment of the fee;
- (c) refund (wholly or partly) the fee.

Part 15 Amendment of water legislation

Division 1 Water Act 1992

110 Act amended

This Division amends the *Water Act 1992*.

111 Section 4 amended (Interpretation)

Section 4(1)

insert

developer, for Part 6B, see section 71F(1).

development, for Part 6B, see section 71F(1)(a).

112 Section 5 amended (Declarations of waterways)

Section 5(2)(b)

omit

60 days

insert

40 business days

113 Section 20 amended (Power to enter land and take action)

Section 20(4)

omit

14 days

insert

10 business days

114 Section 33B amended (Requirements for remediation notice)

Section 33B(g)

omit

14 days

insert

10 business days

115 Section 38 amended (Notice where private land disturbed)

Section 38(2)

omit

14 days

insert

10 business days

116 Section 45 amended (Licence to take water)

Section 45(4)

omit, insert

- (4) A licence may be granted under subsection (1) for a period exceeding 10 years if:
- (a) the licence is for a purpose, or meets criteria, that the Minister, by *Gazette* notice, specifies as justifying a longer period; or
 - (b) the Controller is satisfied that special circumstances justify the longer period.

117 Section 51 amended (Surrender of licence)

Section 51

omit

30 days

insert

20 business days

118 Section 60 amended (Grant of licence to take groundwater)

Section 60(4)

omit, insert

- (4) A licence may be granted under subsection (1) for a period exceeding 10 years if:
- (a) the licence is for a purpose, or meets criteria, that the Minister, by *Gazette* notice, specifies as justifying a longer period; or
 - (b) the Controller is satisfied that special circumstances justify the longer period.

119 Section 60A amended (Licence to take groundwater for hydraulic fracturing)

- (1) Section 60A(3), definition ***designated bore***, after paragraph (b)

insert

- (ba) a bore in relation to which a licence was granted under Part 6B;

- (2) Section 60A(3), definition ***designated bore***, paragraphs (c)(ii) and (d)(ii), after "licence"

insert

or a licence under Part 6B

120 Section 71B amended (Notice of intention to make water extraction licence decision)

- (1) Section 71B(1)
omit
30 days after lodgment
insert
20 business days after lodgement
- (2) Section 71B(4)
omit
30 days
insert
20 business days

121 Section 71C amended (Making water extraction licence decision)

- Section 71C(1)
omit
30 days
insert
20 business days

122 Section 71D amended (Notice of water extraction licence decision)

- Section 71D(1)
omit
30 days
insert
20 business days

123 Section 71E amended (Notice of substituted or varied water extraction licence decision)

Section 71E(2)

omit

10 days

insert

10 business days

124 Part 6B inserted

After section 71E

insert

Part 6B Development of land for subsequent licences

71F Application by developer

- (1) A person (the **developer**) may apply for a licence under this Part if the developer proposes to do all of the following:
 - (a) develop land (the **development**) that would use water for one or more beneficial uses, other than mining activity and petroleum activity;
 - (b) transfer or lease areas of the land to other persons participating in the development;
 - (c) transfer the entitlement to water under the licence to those other persons to use for those beneficial uses.
- (2) The application for the licence must be in a form approved by the Controller and include the details of the proposed development, including the following:
 - (a) the areas of land expected to be transferred or leased to other persons participating in the development;
 - (b) the volumes of water expected to be taken from those other areas.

71G Granting licence to developer

- (1) The Controller may, on application under section 71F, grant to a developer a licence to take water in respect of the development.

- (2) To avoid doubt, the decision to grant a licence under this section is:
 - (a) a water extraction licence decision; and
 - (b) a decision to which Part 6A and section 90 apply.
- (3) The licence must be in a form approved by the Controller.
- (4) In addition to any other conditions the Controller considers appropriate, the Controller must impose conditions on the licence to ensure the following:
 - (a) that the entitlement to water under the licence is used by the developer or transferred to other persons participating in the development;
 - (b) that the water is taken and used for the beneficial uses specified in the licence.

71H Granting subsequent licences

- (1) If a licence is granted to a developer under this Part, the Controller may subsequently grant a licence to take water to any applicant who wishes to participate in the development.
- (2) The application for the licence must be in a form approved by the Controller.
- (3) A licence must not be granted under this section unless:
 - (a) the application is consistent with the development and the conditions of the developer's licence; and
 - (b) the water will be used only for the beneficial uses authorised in the developer's licence; and
 - (c) the applicant's entitlement to water will come by transfer from the developer's licence or another licence granted in respect of the same development.
- (4) If a licence is to be granted under this section, the Controller must amend the licence from which the entitlement to water is being transferred to reduce its entitlement to water.
- (5) A decision about a licence under this section is:
 - (a) not a water extraction licence decision; and
 - (b) not a decision to which Part 6A and section 90 apply.

- (6) Despite section 30(1), a decision under this section may only be reviewed under Part 3, Division 3, by the applicant referred to in subsection (1).

71J Trading entitlements to water

- (1) The holder (the **seller**) of a licence granted under this Part in relation to a development may apply to the Controller to effect a trade of all or part of the holder's entitlement to water under the licence to one or more other holders (the **buyer**) of a licence granted in respect of the same development.

Example for subsection (1)

One farmer in a agricultural development does not use the entire water entitlement under the farmer's licence and wishes to sell a portion of it to another farmer in the same development who needs the extra water.

- (2) The application for the trade must be in a form approved by the Controller and may be made regardless of whether a water allocation plan is in force in relation to the land.
- (3) After considering the application, the Controller may amend the licences to:
- (a) reduce the seller's entitlement to water; and
 - (b) increase the buyer's entitlement to water by no more than the reduction to the seller's entitlement under paragraph (a).
- (4) A decision about a licence under this section is:
- (a) not a water extraction licence decision; and
 - (b) not a decision to which Part 6A and section 90 apply.
- (5) The trade takes effect in accordance with the amendment of the licences and is subject to any conditions determined by the Controller.

Example for subsection (5)

The trade may be for a fixed period of time.

71K Transfer of land

- (1) Section 92 does not apply in relation to a transfer of an interest in land in the development by the developer to the holder of a licence granted under section 71H in the same development.

- (2) To avoid doubt, section 92 applies to the following transfers:
- (a) a transfer of all the interests in land in the development held by the developer to another person;
 - (b) a transfer of all interests in land in the development held by the holder of a licence granted under section 71H to another person.

71L Breach of licence

- (1) A person commits an offence if the person:
- (a) holds a licence granted under this Part; and
 - (b) contravenes a term or condition of the licence.

Maximum penalty: 500 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 took reasonable steps and exercised due diligence to prevent the commission of the offence.

Note for subsection (3)

The defendant has a legal burden of proof in relation to a matter mentioned in this subsection.

125 Section 74 amended (Grant of waste discharge licence)

- (1) Section 74(3)
- omit*
- 2 years
- insert*
- 10 years
- (2) Section 74(4)
- omit, insert*
- (4) The Controller may grant a licence for a period exceeding 10 years if:
- (a) the licence is of a type, or meets criteria, that the Minister, by *Gazette* notice, specifies as justifying a longer period; or

- (b) the Controller is satisfied that special circumstances justify the longer period.

126 Section 95 replaced

Section 95

repeal, insert

95 Registers

- (1) The Controller must keep one or more registers of licenses granted under this Act.
- (2) Each register must:
- (a) be publicly available on the Agency's website; and
 - (b) contain any information required by the Regulations.
- (3) The Controller may keep information about a licence in the register from being publicly available if satisfied, on application by the holder of the licence, that it is justified on the grounds of commercial confidentiality.

127 Section 108 amended (Regulations)

Section 108(2)(k) and (m), after "licence"

insert

or a licence under Part 6B

Division 2 Water Regulations 1992

128 Regulations amended

This Division amends the *Water Regulations 1992*.

129 Regulation 3 amended (Applications and forms)

Regulation 3(4)

omit, insert

- (4) An application is taken to be lodged when sufficient information to enable a proper decision to be made under the Act is given to the Agency.

- (5) A public sector employee of the Agency may return, without further consideration, any application that does not include sufficient information to enable a proper decision to be made.

130 Regulation 5 amended (Water investigation permit)

- (1) Regulation 5(2) and (3)
omit, insert
- (2) The Controller may publish notice of the application in any manner that makes it publicly available in the Territory.
- (3) The notice must include the following:
- (a) a description of the relevant land;
 - (b) the person to whom enquiries about the application may be directed;
 - (c) the way in which objections to the granting of the water investigation permit may be made;
 - (d) any other information determined by the Controller.
- (2) Regulation 5(4) and (5)
omit
newspaper
- (3) Regulation 5(6)
omit
1 month
insert
20 business days

131 Regulation 6 amended (Permit to interfere with waterway)

- (1) Regulation 6(2) and (3)
omit, insert
- (2) The Controller may publish notice of the application in any manner that makes it publicly available in the Territory.

- (3) The notice must include the following:
- (a) a description of the relevant land;
 - (b) the person to whom enquiries about the application may be directed;
 - (c) the way in which objections to the granting of the permit may be made;
 - (d) any other information determined by the Controller.
- (2) Regulation 6(4) and (5)
omit
newspaper
- (3) Regulation 6(6)
omit
1 month
insert
20 business days

132 Regulation 15 replaced

Regulation 15

repeal, insert

15 Renewal of permits and licences

- (1) A person who holds a permit or licence may renew it by applying for another permit or licence in accordance with the appropriate approved form.
- (2) The application must be lodged before the following:
- (a) in the case of a water extraction licence or a licence under Part 6B of the Act – the 120th business day before the day the licence expires;
 - (b) in the case of a waste discharge licence – the 60th business day before the day the licence expires;
 - (c) in the case of a permit – the 20th business day before the day the permit expires.

133 Regulation 17 amended (Register of water extraction licences)

- (1) Regulation 17, heading

omit

water extraction

- (2) Regulation 17

omit

all words from "The" to "force:"

insert

For section 95(2)(b) of the Act, the register must contain the following information for each water extraction licence and licence under Part 6B of the Act:

134 Regulation 19 amended (Infringement notice offence and prescribed amount payable)

Regulation 19(2)

omit, insert

- (2) The prescribed amount for an infringement notice offence is as follows:
- (a) for an offence specified in the Schedule, Part 1 – the amount payable under section 8 of the *Environmental Offences and Penalties Act 1996* for the specified environmental offence level of the offence;
 - (b) for an offence specified in the Schedule, Part 2 – the monetary value of the number of penalty units specified for the offence.

135 Schedule replaced

Schedule

repeal, insert

**Schedule Infringement notice offences, environmental
 offence levels and prescribed amounts**

regulation 19

Part 1

Provision	Environmental offence level
<i>Water Act 1992</i>	
section 16(2D)	3
section 16(2F)	4
section 76	3

Part 2

Provision	Prescribed amount in penalty units	
	for individual	for body corporate
<i>Water Act 1992</i>		
sections 37(1), 40(1), 42(1), 44(1), 46(1) and 48(1)	5	10
section 50(1)	5	
section 55(2)	2	5
sections 56(1), 58(1), 59(1), 61(1), 66(1) and 68(1)	5	10
section 71(1)	2	5
section 71L(1)	5	10
section 79(3)	2	5

Provision	Prescribed amount in penalty units	
	for individual	for body corporate
section 81(1)	1	3
section 96(3)	2	5

Part 16 Repeal of Act

136 Repeal of Act

This Act is repealed on the day after it commences.

Schedule Environment Protection (Beverage Containers and Plastic Bags) Act 2011 further amended

section 62

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 8A(1) and (2)	an approved (<i>all references</i>)	a permitted
section 14, heading	approved	permitted
section 14(1) and (2)	an approved	a permitted
section 16(2)	establishes	has
section 17(1)(a)	an approved container	a permitted container
section 19(1)(a)	an approved	a permitted
section 19(3)	approved	permitted
section 20, heading	approved	permitted
section 20(1)(a) and (b) and (2)	approved containers	permitted containers
section 20(2)(a)(i)	an approved	a permitted
section 45(1)	an approved container	a permitted container
section 45(1)(a)	empty approved	empty permitted
sections 55(3), 56(3), 65(4), 66(4) and (6), 70(3) and (7), 71(3) and (5), 75(2) and 90(3)	establishes	has
Schedule, clause 1, definition accepted containers	approved containers	permitted containers
Schedule, clause 1, definition accepted containers , paragraph (a)	approved	

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Schedule, clause 1, definition market share	approved	permitted
Schedule, clause 1, definition primary coordinator	approved containers an approved	permitted containers a
Schedule, clause 1, definition secondary coordinator	approved containers	permitted containers
Schedule, clause 1, definition secondary coordinator , paragraph (b)	approved	
Schedule, clause 2(1)(a) to (c), (3) and (4)	approved	permitted
Schedule, clause 2(3)	supplier	CDS supplier
Schedule, clause 2, notes 1 and 2	<i>approved</i>	<i>permitted</i>
Schedule, clause 3, heading	approved	permitted
Schedule, clause 3	approved containers	permitted containers