

Approved Recyclers

Regulation 9(3) of the *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019* (Regulations)

1. Words defined in the *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019* (Regulations) have the same meaning in this document as in the Regulations.
2. For the purposes of regulation 9(3)(a) of the Regulations, the manner and form in which an application to be an approved recycler is to be made and the process for applying is set out in the document entitled "Recycling Panel Member Application Pack" which can be accessed at <http://www.warrri.com.au>.
3. For the purposes of regulation 9(3)(b) of the Regulations, the criteria that must be met for a person to be approved as an approved recycler are as follows:
 - 3.1. If the applicant became an approved recycler, no conflict of interest would exist that would or may adversely affect the reputation or operation of the scheme.
 - 3.2. The applicant is not subject to any legal sanctions that would or may adversely affect the reputation or operation of the scheme.
 - 3.3. The applicant has the operational capabilities to discharge its obligations as an approved recycler.
 - 3.4. The applicant holds all authorisations required to fulfil its obligations as an approved recycler, including holding any required environmental and export licences.
 - 3.5. The applicant is not intending to export containers to any countries that are the subject of Australian Government sanctions.
 - 3.6. The applicant is not intending to export containers to any countries where there is a high risk that the containers will not be recycled.
 - 3.7. The applicant is either registered for GST or its export procedure is such that all containers it would acquire will exit Australia within 60 days of invoice date,
 - 3.8. If the applicant will be exporting containers, the applicant's processes will ensure the timely export of the containers and complies with all applicable laws.
 - 3.9. If the applicant will itself be undertaking the recycling of containers, the applicant will have processes and authorisations in place that ensure the containers will be recycled in accordance with all applicable laws and the agreements with the coordinator to which it is a party.
 - 3.10. If the applicant will not be recycling containers itself, it will have the ability to prove that the containers purchased have been recycled.
 - 3.11. The applicant will operate in a manner that aligns with the objectives of the scheme set out in *Waste Avoidance and Resource Recovery Act 2007*.
 - 3.12. The applicant's recycling procedure and methods are such that the reuse of containers is maximised and any waste or by-product is disposed of in a manner that is consistent with the objectives of the scheme.
 - 3.13. Any subcontractors to be utilised by the applicant would not adversely affect the performance of the applicant's obligations as an approved recycler.
 - 3.14. The applicant has the financial capacity to fulfil its obligations as an approved recycler.
 - 3.15. None of the applicant, its related bodies corporate (within the meaning of the *Corporations Act 2001* (Cth)) or the directors or senior managers of the applicant are or have been subject to any regulatory or criminal investigation (including with respect to occupational health and safety) in the previous three years that would or

may adversely affect the reputation or operation of the scheme or the applicant's performance of its obligations as an approved recycler.

- 3.16. There is no current or pending litigation against the applicant nor its related bodies corporate (within the meaning of the *Corporations Act 2001* (Cth)) that would or may adversely impact upon the reputation or operation of the scheme or the applicant's performance of its obligations as an approved recycler.
 - 3.17. The applicant has occupational health and safety procedures and policies in place that are observed and regularly reviewed.
 - 3.18. The applicant holds public and product liability insurance for an amount not less than \$20 million per occurrence, workers compensation insurance as required by law and comprehensive motor vehicle insurance, or otherwise has insurance in place that is satisfactory to the coordinator.
 - 3.19. No other matter or circumstance exists that would or could have a material impact on the applicant's adherence to scheme objectives and requirements, its suitability as an approved recycler or the financial capacity or standing of the applicant or any of its related bodies corporate, including any parent entity providing a guarantee or other form of support.
4. For the purposes of regulation 9(3)(b) of the Regulations, the grounds on which approval of a person as an approved recycler may be refused are as follows:
 - 4.1. The failure of the person to satisfy the criteria set out in paragraph 3 above.
 - 4.2. The failure of the person to enter into:
 - 4.2.1.a recycling panel agreement with the coordinator; or
 - 4.2.2.an agreement for the acquisition of processed containers from the coordinator:
 - 4.2.2.1. where the nature of the containers the subject of the agreement is such that, without that form of agreement, there would be unlikely to be a processor willing to process those containers for sale to the coordinator for on-sale to a recycler and/or a recycler willing to buy those containers; and
 - 4.2.2.2. places the equivalent obligations on the counterparty with respect to recycling, reporting and statutory obligations as are imposed on the counterparties to the recycling panel agreement and is otherwise in accordance with the objectives of the scheme set out in *Waste Avoidance and Resource Recovery Act 2007*,
(each a **Required Agreement**).
 - 4.3. The person provides any false or misleading information (including information that is misleading by omission) to the coordinator in connection with its application to become an approved recycler.
 - 4.4. The failure of the person to provide to the coordinator any information reasonably requested by the coordinator in connection with the person's application to become an approved recycler.
5. For the purposes of regulation 9(3)(c) of the Regulations, the grounds on which a person's approval as an approved recycler may be cancelled are as follows:
 - 5.1. The person does not satisfy the criteria that must be met for a person to be approved as an approved recycler, as set out in paragraph 3 above.
 - 5.2. A ground exists on which, the person was making application for approval as an approved recycler, that approval may be refused, as set out in paragraph 4 above.
 - 5.3. The person is no longer party to a Required Agreement.

