

RETURN AND EARN REFUND SHARING AGREEMENTS FREQUENTLY ASKED QUESTIONS:

What does the 1 December 2018 deadline mean for MRF refund claims?

- From 1 December 2018, unless one of the three conditions listed above is met the Scheme Coordinator, Exchange for Change (EfC), will cease paying refunds to MRFs for containers coming from council kerbside systems. EfC will also cease to collect funds from suppliers for these refunds.
- EfC will continue to collect money from beverage suppliers and pay processing refunds for eligible containers, where councils have made a notification to the EPA.

If MRFs are unable to make claims, when will they be able to start again?

- From 1 December 2018, MRFs will only be able to claim refunds where one of the three conditions are met. If a MRF is unable to claim, it will be able to begin again when the council notifies the EPA that one of the conditions is met.
- Where the council notification occurs after 1 December 2018, refunds will not be able to be claimed for the period from 1 December to the date of a RSA being in force and the EPA notified.

What does this mean for councils?

- MRFs and councils will not be able to access refunds for eligible containers from 1 December 2018 if none of the conditions are met.
- To ensure that the ability to claim refunds is not impacted, councils should consider making a notification by the 1 December 2018 deadline as per the Regulations.
- Councils may enable refund claims to “restart”, by notifying the EPA of an RSA post 1 December.

What happens if a council enters into a short-term Refund Sharing Agreement?

- Where a council enters into and notifies the EPA of a “short-term” RSA, the notification will remain in force until the expiry date of the short-term agreement.
- Before the expiry of any such agreement the council may choose to enter into another RSA, including as a short-term Agreement and should notify the EPA of the new arrangements to ensure that the MRF is able to claim refunds for eligible containers collected from that council area.
- If a new agreement is not made at the end of the short-term Agreement and none of the other conditions are met, then the MRF will cease to be eligible to claim refunds.

How do councils make a notification to the EPA?

- The EPA has provided a notification template that can be accessed via the [EPA website \(https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/return-and-earn/material-recovery-facility-operator/refund-sharing-agreement-notification\)](https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/return-and-earn/material-recovery-facility-operator/refund-sharing-agreement-notification).
- This form may be used for notifications pre- and post-1 December 2018.

Are councils required to make a notification for new Processing Agreements?

- MRFs are eligible to continue to make refund claims if the relevant council has entered into a new kerbside recycling agreement after the Scheme commencement at 1 December 2017.
- Under the Regulations, councils are not required to make a notification to the EPA to enable the MRF to continue to claim refunds.
- The EPA requests that councils notify the EPA of a new processing agreement to ensure that there are no administrative delays to refund claims.
- The proforma template provided via the EPA provides options for councils to notify of a new processing agreement pre- and post-1 December 2018.

BACKGROUND:

The notification requirement is outlined in Clause 18 of *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017*:

18 Entitlement to processing refunds

- (1) Processing refunds are not payable to a material recovery facility operator in respect of containers obtained by the operator before the Scheme commencement day.
- (2) Processing refunds are not payable to a material recovery facility operator in respect of containers that have been collected in a local council's area during the course of domestic waste management services, except in the following circumstances:
 - (a) if there is no refund sharing agreement in force between the operator and the council:
 - (i) the council has notified the EPA in writing that it considers that in the circumstances it is fair and reasonable that there is no such agreement in force, or
 - (ii) the council has entered into a processing agreement with the operator on or after the Scheme commencement day.
 - (b) if there is a refund sharing agreement in force between the operator and the council—the council has notified the EPA in writing that it considers the terms of the agreement to be fair and reasonable.