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The following Act was passed by Parliament on 22 March 2023 and assented to by the President on 3 April 2023:—

REPUBLIC OF SINGAPORE

No. 14 of 2023.

I assent.

HALIMAH YACOB,
President.
3 April 2023.

(LS)

An Act to amend the Resource Sustainability Act 2019.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Resource Sustainability (Amendment) Act 2023 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 1

2. Section 1 of the Resource Sustainability Act 2019 (called in this Act the principal Act) is amended by deleting subsection (2).

Amendment of section 2

3. Section 2(1) of the principal Act is amended —

(a) by inserting, immediately after the definition of “import”, the following definition:

““key appointment holder”, in relation to a holder of a licence to operate a producer responsibility scheme, means —

(a) if a company, limited liability partnership or other body corporate — a member of the board of directors, committee, board of trustees or other governing body of the licensee;

(b) if a partnership — a partner of the licensee; or

(c) in any other case — any person, by whatever name called, who has general management or supervision of the business of the licensee;”;

(b) by deleting the words “section 23(1)” in the definition of “licensed e-waste recycler” and substituting the words “section 23(2)”.

Amendment of section 3

4. Section 3 of the principal Act is amended by deleting the word “and” at the end of paragraph (b), and by inserting immediately thereafter the following paragraph:

“(ba) to reduce the use of disposable carrier bags by persons supplied goods by way of retail; and”.

New Part 4A

5. The principal Act is amended by inserting, immediately after section 23, the following Part:

“PART 4A

DISPOSABLE CARRIER BAG CHARGE

Division 1 — Interpretation

Interpretation of this Part

23A. In this Part, unless the context otherwise requires —

“annual turnover”, in relation to a regulated retailer, means the gross revenue received by the regulated retailer in respect of the regulated retailer’s trade or business in Singapore in a year, whether in relation to the supply of goods or otherwise, determined in the prescribed manner;

“customer” means any person who purchases or intends to purchase any goods from a regulated retailer;

“disposable carrier bag” means packaging (within the meaning of section 19(1)) in the form of a bag with handles (other than a reusable bag) that is provided by a retailer in relation to goods purchased from the retailer by a customer —

(a) to pack the goods for the customer or enable the customer to put the goods into the bag; and

(b) by which the goods may be carried or otherwise transported after the point of sale (whether or not the bag is in fact so used by the customer);

- “prescribed amount” means \$0.05 or another amount prescribed in substitution;
- “prescribed annual turnover”, in relation to a class of regulated retailers, means the prescribed annual turnover for that class of regulated retailers;
- “registered retailer” means a regulated retailer who is registered under section 23C(3);
- “regulated retailer” means a retailer who belongs to a class of retailers prescribed as regulated retailers for the purposes of this Part;
- “reportable year”, in relation to a person, means any year at any time during which the person is a registered retailer;
- “retailer” means a person who carries on a trade or business of supplying goods by retail;
- “reusable bag” means any bag with handles that —
- (a) is made primarily of any fabric woven with natural, semi-synthetic or synthetic fibres that is washable;
 - (b) is made primarily of plastic or other material made of semi-synthetic or synthetic polymers, of a prescribed minimum thickness or density;
 - (c) has the ability to hold a prescribed minimum weight; or
 - (d) is prescribed, according to the material, intended function, properties or dimensions of the bag, as a reusable bag.

Division 2 — Registration of retailers

Obligation to apply for registration

23B.—(1) A regulated retailer (*X*) who has an annual turnover for any trigger year that exceeds the prescribed annual turnover for the class of regulated retailers to which *X* belongs must, unless *X* is already a registered retailer for that class of regulated

retailers, apply to the Agency before the applicable date in section 23C(1)(a) for that trigger year to be registered as a registered retailer for that class of regulated retailers.

(2) A regulated retailer who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

(3) In a prosecution for an offence under subsection (2), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(4) The offence under subsection (2) is a strict liability offence.

(5) In this section and section 23C, a trigger year is —

(a) 2021 or a subsequent year; or

(b) in the case of a regulated retailer who has been deregistered pursuant to an application under section 23D — any year from (and including) the year in which the regulated retailer is deregistered.

Applications for registration

23C.—(1) An application for registration under section 23B must —

(a) be made before —

(i) where the trigger year (T) is 2021 — the prescribed date; and

(ii) where year T is 2022 or a subsequent year — 30 June of year T + 1;

(b) identify the regulated retailer in question;

(c) contain any information prescribed for assessing applications made under this section, and any other information required by the Agency to assess the particular application; and

(d) be in the form and manner required by the Agency.

(2) The Agency may refuse to accept any application that is incomplete or not made in accordance with subsection (1).

(3) Where the Agency grants an application for registration, the registration of the regulated retailer concerned begins on —

(a) where year T is 2021 — the prescribed date; and

(b) where year T is 2022 or a subsequent year —
1 January of year T + 2,

and continues until deregistration pursuant to an application under section 23D.

Entitlement to apply to deregister as registered retailer

23D.—(1) A registered retailer may apply to the Agency to be deregistered in respect of a class of regulated retailers for which the registered retailer is registered if —

(a) the registered retailer ceases to be a regulated retailer of that class; or

(b) the annual turnover of the registered retailer for each of 3 consecutive years does not exceed the prescribed annual turnover for that class.

(2) A registered retailer must give the Agency written notice of the date of the cessation mentioned in subsection (1)(a), at least 30 days before that date.

Applications for deregistration

23E.—(1) An application for deregistration under section 23D must —

(a) identify the registered retailer in question;

(b) contain any information prescribed for assessing applications made under this section, and any other information required by the Agency to assess the particular application; and

(c) be in the form and manner required by the Agency.

(2) The Agency may refuse to accept any application that is incomplete or not made in accordance with subsection (1).

Division 3 — Charge for disposable carrier bags

Registered retailer must impose and collect charge for disposable carrier bags

23F.—(1) Subject to subsection (2), a registered retailer must impose and collect a charge of an amount no less than the prescribed amount for each disposable carrier bag that the registered retailer provides to a customer who purchases any goods from the registered retailer.

(2) Subsection (1) does not apply in relation to —

- (a) a prescribed class, type or description of disposable carrier bags;
- (b) a disposable carrier bag that is provided to a prescribed person or class of persons;
- (c) a disposable carrier bag that is provided in prescribed circumstances; or
- (d) a prescribed registered retailer.

(3) A registered retailer who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

(4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(5) The offence under subsection (3) is a strict liability offence.

Preventing circumvention of charge

23G.—(1) A registered retailer must not provide any reimbursement for a charge mentioned in section 23F(1), whether in money or in kind.

(2) A registered retailer who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

(3) In a prosecution for an offence under subsection (2), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(4) The offence under subsection (2) is a strict liability offence.

Communication and recording of charge

23H.—(1) A registered retailer must —

- (a) inform the registered retailer’s customers of the charge imposed for the provision of each disposable carrier bag, in the manner prescribed; and
- (b) where a receipt is given to a customer, set out the charge mentioned in paragraph (a) as a separate item in the receipt.

(2) A registered retailer who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

(3) In a prosecution for an offence under subsection (2), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(4) The offence under subsection (2) is a strict liability offence.

Division 4 — Miscellaneous

Submission of prescribed information

23I.—(1) A person who is or was a registered retailer must submit to the Agency, in relation to any reportable year, a report containing the following information:

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- (a) the number of disposable carrier bags provided to customers in the reportable year in respect of which the person is required under section 23F(1) to impose and collect a charge as a registered retailer;
 - (b) any other prescribed information relevant to monitoring the person's compliance with this Part.

(2) A requirement to submit the report under subsection (1) is a requirement to do so in accordance with any requirements prescribed under section 52 for the report, including its preparation and submission.

(3) The Agency may, in respect of any incomplete or inaccurate report submitted by a person, in writing direct the person to do the following within the time period specified in the direction (or any longer time that the Agency may allow in any particular case):

- (a) rectify or re-compute any matter in the report as the Agency may require;
- (b) resubmit the report to the Agency,

and the person must comply with the direction.

(4) A person who contravenes subsection (1) or fails to comply with a direction under subsection (3) shall be guilty of an offence and shall be liable —

- (a) on the first conviction to a fine not exceeding \$5,000; and
- (b) on a second or subsequent conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after that second or subsequent conviction.

(5) In a prosecution for an offence under subsection (4), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(6) The offence under subsection (4) is a strict liability offence.

Keeping of records

23J.—(1) A person required to submit a report under section 23I(1) must keep and maintain complete and accurate records of the following:

- (a) the total amount of charge collected (including any amount collected in excess of the prescribed amount) by the person under section 23F for the provision of disposable carrier bags;
 - (b) prescribed information relating to how and where the amount mentioned in paragraph (a) has been applied;
 - (c) any information or document relevant to the report.
- (2) The person mentioned in subsection (1) must —
- (a) retain the records mentioned in subsection (1) for at least the prescribed period;
 - (b) during the prescribed period mentioned in paragraph (a), make those records available for inspection by any authorised officer, when so requested by the authorised officer; and
 - (c) submit to the Agency those records in the time specified by the Agency.
- (3) A person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable —
- (a) on the first conviction to a fine not exceeding \$5,000; and
 - (b) on a second or subsequent conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after that second or subsequent conviction.

(4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(5) The offence under subsection (3) is a strict liability offence.

Publication of information

23K.—(1) A person who is or was a registered retailer must —

(a) in accordance with this section, publish the information mentioned in sections 23I(1)(a) and 23J(1)(a) and (b) in relation to each reportable year of the person; and

(b) cause the information mentioned in paragraph (a) to be audited before publication.

(2) The information mentioned in subsection (1) must be published —

(a) by 31 December of the year following the reportable year; and

(b) by at least one of the following means and for the period specified for such means:

(i) made available for public access on a website operated by the person or a company in the same group as the person, for a continuous period of at least 12 months;

(ii) printed and prominently displayed, for each of the person's premises at which the charge mentioned in section 23F(1) must be imposed (if applicable), at a location at which the person posts or permits the posting of notices or that is at or near an entrance or exit of the premises, for a continuous period of at least 12 months;

(iii) any other prescribed means and for the prescribed period.

(3) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

(4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(5) The offence under subsection (3) is a strict liability offence.

(6) In this section, “group” has the meaning given by the accounting standards made or formulated by the Accounting Standards Committee under Part 3 of the Accounting Standards Act 2007 and applicable to companies and foreign companies (within the meaning of the Companies Act 1967) in respect of their operations in Singapore for the purposes of the Companies Act 1967.

Direction to rectify incomplete or inaccurate information

23L.—(1) The Agency may, in respect of any incomplete or inaccurate information published by a person under section 23K(1), in writing direct the person to do the following within the time period specified in the direction (or any longer time that the Agency may allow in any particular case):

- (a) rectify or re-compute any information as the Agency may require;
- (b) republish the information in accordance with section 23K(2)(b),

and the person must comply with the direction.

(2) A person who fails to comply with a direction under subsection (1) shall be guilty of an offence and shall be liable —

- (a) on the first conviction to a fine not exceeding \$5,000; and

(b) on a second or subsequent conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after that second or subsequent conviction.

(3) In a prosecution for an offence under subsection (2), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(4) The offence under subsection (2) is a strict liability offence.”.

New Part 4B

6. The principal Act is amended by inserting, immediately after section 23L, as inserted by section 5, the following Part:

“PART 4B

BEVERAGE CONTAINER RETURN SCHEME

Division 1 — General

Interpretation of this Part

23M.—(1) In this Part, unless the context otherwise requires —

“beverage container” means a container that is —

- (a) designed to contain a beverage and to be sealed (when filled with the beverage), before the beverage is sold or delivered for its use or consumption;
- (b) made of a prescribed material; and
- (c) of a prescribed volume or shape or prescribed dimensions;

“beverage product” means a regulated beverage that is in a sealed beverage container;

- “deposit”, in relation to a beverage container, means the deposit for the beverage container, described in section 23Q;
- “deposit mark” means the deposit mark mentioned in section 23N;
- “manufacture”, in relation to a beverage product, means the act of filling a beverage container with a regulated beverage and sealing the container;
- “offer to supply”, in relation to a beverage product, includes exposing or displaying the beverage product as an invitation to treat;
- “regulated beverage” means any liquid beverage intended for human consumption by drinking, whether or not —
- (a) dilution of the liquid is recommended before consumption; or
 - (b) containing solids,
- but does not include a liquid of a kind that is prescribed to be excluded;
- “return point” means a facility or place at which a person may present an empty beverage container affixed with a deposit mark and barcode and receive the deposit for the empty beverage container accepted at the facility or place;
- “return point operator” means —
- (a) a scheme licensee who operates a return point;
 - (b) a person required under section 23S(1) to operate a return point; or
 - (c) a person who has entered into an arrangement with a scheme licensee to operate a return point;
- “scheme licensee” means a licensee of a producer responsibility scheme for beverage containers;

“supply”, in relation to a beverage product, means the giving of the beverage product to another person for any purpose, whether or not for consideration in money or in kind, but does not include any such giving by an individual in the individual’s private or personal capacity.

(2) Subject to subsection (3), a person is the producer of a beverage product if —

(a) the person imports the beverage product into Singapore; or

(b) the person manufactures the beverage product in Singapore or is engaged by another person to manufacture the beverage product for that other person.

(3) A person (*A*) is not a producer of a beverage product if —

(a) *A* is an individual; and

(b) *A* imports or manufactures the beverage product other than in the course of business.

Prescribed deposit mark

23N. The Minister may prescribe any logo, marking or text, or any combination thereof, as a deposit mark for the purpose of being affixed on a beverage container so as to identify the beverage container as one for which a deposit will be refunded upon acceptance of the beverage container at a return point.

Division 2 — Supply of beverage products

Producers must join licensed scheme

23O.—(1) A producer of a beverage product must not supply, or offer to supply, in Singapore any beverage product affixed with a deposit mark unless the producer is a member of a licensed scheme for beverage containers.

(2) A producer who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on

conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

Beverage containers must display deposit mark and barcode

23P.—(1) Subject to subsection (2), any person (including a producer of a beverage product) must not, on or after the prescribed date, supply or offer to supply in Singapore any beverage product, unless the beverage container for the beverage product is affixed with —

- (a) a deposit mark; and
- (b) a barcode by which the beverage product may be identified.

(2) Subsection (1) does not apply in relation to —

- (a) any beverage product that is supplied to a prescribed person or class of persons;
- (b) any beverage product that is supplied in prescribed circumstances; or
- (c) any prescribed producer.

(3) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

(4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(5) The offence under subsection (3) is a strict liability offence.

Deposit for beverage product

23Q.—(1) For the purpose of ensuring or otherwise encouraging the return of beverage containers for recycling, there is to be a deposit in respect of every beverage product affixed with a deposit mark, to be provided for in accordance with this section and section 23R, and which is refundable upon the acceptance of the beverage container of the beverage product under section 23U.

(2) The Minister may prescribe the amount of the deposit for the purposes of this Part.

(3) Subject to subsection (4), for the purpose of providing for the deposit, where a person (*X*) (including a producer) supplies any beverage product affixed with a deposit mark to another person (*Y*), *X* must collect from *Y*, and *Y* must give to *X*, the amount of the deposit for the beverage product.

(4) *X* may refuse to supply the beverage product to *Y* if *Y* refuses to give to *X* the amount of the deposit for the beverage product, but *X* may waive *Y*'s giving of the amount of the deposit to *X*.

(5) Despite subsection (4), *X* must not waive *Y*'s giving of the amount of the deposit to *X* if *X* receives any consideration in money for the supply of the beverage product.

(6) Where *X* waives *Y*'s giving of the amount of the deposit to *X*, and *Y* receives the amount of the deposit from the person to whom *Y* supplies the beverage product, *Y* must, despite the waiver, give the amount of the deposit to *X* within the prescribed period after *Y* supplies the beverage product.

(7) A person who contravenes subsection (5) or (6) shall be guilty of an offence and shall be liable —

- (a) on the first conviction to a fine not exceeding \$5,000; and
- (b) on a second or subsequent conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

(8) To avoid doubt, no amount given to or collected by a person for the purpose of providing for the deposit in respect of any beverage product (whether under this section or section 23R) is to be construed as forming any part of the price for the beverage product or for or for the use of the beverage container thereof.

Producers must provide deposit to scheme licensee

23R.—(1) A producer of a beverage product who supplies in Singapore to any person any beverage product affixed with a deposit mark, must provide the amount of the deposit in respect of the beverage product to the scheme licensee of the licensed scheme for beverage containers that the producer is a member of, within the time requested by the scheme licensee (subject to any regulations made under section 52 prescribing any other time for the provision).

(2) Where a producer contravenes subsection (1), the Agency may, by written notice served on the producer, direct the producer to stop supplying any beverage product until the producer provides the scheme licensee with the amount of unpaid deposits specified in the written notice.

(3) A producer who is aggrieved by any direction of the Agency under subsection (2) may, within 14 days after being notified of the direction, appeal to the Minister.

(4) A producer who, without reasonable excuse —

(a) contravenes subsection (1); or

(b) refuses or fails to comply with the Agency's direction under subsection (2),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

*Division 3 — Return point operators***Provision of return points**

23S.—(1) A person prescribed for the purpose of this section must operate a return point in accordance with any requirement prescribed under section 52, unless the person is prohibited from operating a return point under section 23T.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

(3) In a prosecution for an offence under subsection (2), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(4) The offence under subsection (2) is a strict liability offence.

Prohibition against operating return points

23T.—(1) The Agency may, by written order, prohibit any person from operating a return point —

(a) where the person has been convicted, whether in Singapore or elsewhere, of an offence involving fraud or dishonesty or the conviction for which involved a finding that the person acted fraudulently or dishonestly; or

(b) where the Agency is satisfied that the person has —

(i) contravened any provision of this Part; or

(ii) knowingly claimed the deposit for any beverage container in a case where no such deposit was provided to the scheme licensee concerned.

(2) Before issuing an order under subsection (1), the Agency must —

(a) give the person written notice of its intention to do so; and

(b) in the notice mentioned in paragraph (a), call upon the person to show cause within the time specified in the notice why the person should not be prohibited from operating a return point.

(3) If the person to whom notice has been given under subsection (2) —

(a) fails to show cause within the time given to the person to do so or within any extended time that the Agency may allow; or

(b) fails to show sufficient cause,

the Agency must give written notice to the person of the date on which the prohibition is to take effect and, before that date, inform the scheme licensee of the issuance of an order under subsection (1).

(4) A person who is aggrieved by a decision of the Agency under subsection (1) may, within 30 days after the decision of the Agency, appeal to the Minister.

(5) Where the Agency has informed a scheme licensee of the issuance of an order under subsection (1), the scheme licensee must not provide any deposit or pay any fees to, or otherwise deal with, the person who has been issued the order.

(6) A person who fails to comply with an order of the Agency made under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

(7) A person who contravenes subsection (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

(8) In a prosecution for an offence under subsection (6) or (7), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(9) The offences under subsections (6) and (7) are strict liability offences.

*Division 4 — Refunds of deposits***Refunds of deposits by return point operators**

23U.—(1) Subject to subsection (2), if a person presents an empty beverage container affixed with a deposit mark and barcode required under section 23P at a return point, the return point operator operating the return point must accept the beverage container and refund the deposit for the beverage container to the person.

(2) Subsection (1) does not apply —

- (a) if the deposit mark or barcode is so damaged that it cannot be read or scanned;
- (b) where there are operating hours specified at the return point for the return point — if the person presents the beverage container at the return point at any time other than during the operating hours;
- (c) if the return point operator reasonably believes that —
 - (i) a deposit was not provided in respect of the beverage container to the scheme licensee concerned under section 23R(1); or
 - (ii) the deposit for the beverage container was previously refunded at any return point; or
- (d) in any other prescribed circumstances.

(3) A return point operator who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

*Division 5 — Miscellaneous***Keeping of records**

23V.—(1) A producer of a beverage product must keep and maintain complete and accurate records of —

- (a) the name, type, number of units, volume and form of each beverage product supplied by the producer;

- (b) the materials and weight of the beverage container used for each beverage product supplied by the producer; and
 - (c) any other prescribed information.
- (2) The producer mentioned in subsection (1) must —
 - (a) retain the records mentioned in subsection (1) for at least the prescribed period; and
 - (b) comply with a request made by an authorised officer during the prescribed period mentioned in paragraph (a) —
 - (i) to make available for inspection by any authorised officer, the records mentioned in subsection (1); or
 - (ii) to submit to the Agency the records mentioned in subsection (1) in the time specified in the request.
- (3) A person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable —
 - (a) on the first conviction to a fine not exceeding \$5,000; and
 - (b) on a second or subsequent conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after that second or subsequent conviction.
- (4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.
- (5) The offence under subsection (3) is a strict liability offence.

Producers must submit information to scheme licensee

23W.—(1) A producer of a beverage product who is required under section 23O to be a member of a licensed scheme for beverage containers must provide the information mentioned in section 23V(1)(a), (b) or (c) to the scheme licensee of the licensed scheme that the producer is a member of, within the time requested by the scheme licensee (subject to any regulations made under section 52 prescribing any other time for the provision).

(2) A producer who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable —

- (a) on the first conviction to a fine not exceeding \$5,000; and
- (b) on a second or subsequent conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after that second or subsequent conviction.

Unauthorised use of deposit mark

23X.—(1) Unless authorised in writing by a scheme licensee, a person must not affix a deposit mark on any container that is not a beverage container.

(2) A person who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.”.

Repeal of Part 5 and new Part 5

7.—(1) Part 5 of the principal Act is repealed.

(2) The principal Act is amended by inserting, immediately before Part 6, the following Part:

“PART 5

FOOD WASTE

*Division 1 — General***Interpretation of this Part**

24.—(1) In this Part, unless the context otherwise requires —

“building manager”, in relation to a prescribed building, means —

(a) where the prescribed building is occupied by only one person — the owner or occupier of the building; or

(b) where the prescribed building is occupied by more than one person —

(i) where the prescribed building is a subdivided building — the management corporation of the building; or

(ii) where the prescribed building is not a subdivided building — the owner of the building or an agent of the owner who is responsible for maintaining the building;

“licensed waste disposal facility” means a disposal facility in respect of which there is a waste disposal licence under section 23(2) of the Environmental Public Health Act 1987 for the treatment of food waste;

“management corporation” has the meaning given by section 3(1) of the Land Titles (Strata) Act 1967;

“prescribed building” means any building prescribed for the purposes of this Part;

“public disposal facility” means a disposal facility mentioned in section 22(1)(a) of the Environmental Public Health Act 1987 that is for the treatment of food waste;

“relevant written permission”, in relation to a prescribed building, means a written permission that is granted under the Planning Act 1998 pursuant to an application made on or after the date prescribed for that prescribed building;

“subdivided building” has the meaning given by section 3(1) of the Land Titles (Strata) Act 1967.

- (2) In this Part, food waste has been treated if —
- (a) it has undergone a prescribed food waste treatment process; or
 - (b) it has been treated using a prescribed food waste treatment system.

Prescribed buildings

25.—(1) The Minister may prescribe any building to be a prescribed building for the purposes of this Part.

(2) A prescription under subsection (1) may be specific or by way of any class, type or description of buildings.

Division 2 — Food waste segregation

Occupiers of prescribed buildings to segregate food waste

26.—(1) An occupier of a prescribed building, or a part of a prescribed building, must, as from and including the date prescribed for the building, in relation to any food waste generated by the occupier in the prescribed building or within the premises on which the prescribed building is situated —

- (a) segregate, in the prescribed building or within those premises, the food waste from any other type of waste; and
- (b) subject to section 27, dispose of the segregated food waste only at a facility mentioned in section 27A(1).

(2) An occupier of a prescribed building, or a part of a prescribed building, must not dispose of any type of waste other than food waste at a facility mentioned in section 27A(1).

(3) A person who, without reasonable excuse, contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Approved alternative food waste disposal or treatment arrangements

27.—(1) Despite section 26(1)(b), the occupier of a prescribed building or any part of a prescribed building may, with the written approval of the Agency —

- (a) treat the segregated food waste in the prescribed building or within the premises on which the prescribed building is situated; or
- (b) engage a licensed waste collector to send the segregated food waste for treatment at —
 - (i) a licensed waste disposal facility; or
 - (ii) a public disposal facility.

(2) An occupier who has obtained a written approval under subsection (1) must, for the period that the written approval is valid, treat the food waste or send the food waste for treatment in the manner approved.

(3) The Agency may revoke an approval mentioned in subsection (1) granted to an occupier, after giving the occupier prior written notice within any period that may be prescribed, of the Agency's intention to do so.

(4) Where the Agency grants or revokes any written approval under subsection (1) or (3), the Agency must notify the building manager of the prescribed building concerned of the grant or revocation.

(5) An occupier who, without reasonable excuse, contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and

- (b) in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Provision of segregated waste disposal facilities

27A.—(1) The building manager of a prescribed building must provide, in the prescribed building or within the premises on which the prescribed building is situated, one or more facilities to enable occupiers of the prescribed building or any part of the prescribed building to segregate and dispose of food waste separately from any other type of waste.

(2) A building manager who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

(3) In a prosecution for an offence under subsection (2), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(4) The offence under subsection (2) is a strict liability offence.

Treatment of food waste

27B.—(1) The building manager of a prescribed building must, in relation to any food waste disposed of at a facility mentioned in section 27A(1) —

- (a) where the prescribed building is erected pursuant to a relevant written permission — treat the food waste, or cause the food waste to be treated, in the prescribed building or within the premises on which the prescribed building is situated, unless the building manager obtains prior written permission from the

Agency for the food waste to be treated at a licensed waste disposal facility or public disposal facility; and

- (b) where the prescribed building is not erected pursuant to a relevant written permission — treat the food waste, or cause the food waste to be treated, in the prescribed building or within the premises on which the prescribed building is situated, or at a licensed waste disposal facility or public disposal facility.

(2) In determining whether a building manager should be granted permission under subsection (1)(a) to treat food waste at a licensed waste disposal facility or public disposal facility, the Agency is to have regard, and give such weight as the Agency considers appropriate, to such matters as may be prescribed for this subsection.

(3) A building manager who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

(4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(5) The offence under subsection (3) is a strict liability offence.

Division 3 — Food waste reporting

Reporting of food waste treated

27C.—(1) A person must submit to the Agency, in relation to each year or part of a year for which the person is or was a building manager of a prescribed building (each such year or part of a year called in this section a reportable period of the building manager), a report containing the following information:

- (a) the amount of food waste treated pursuant to sections 27(1)(a) or (b) and 27B(1)(a) or (b) in that reportable period of the building manager;

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- (b) of the amount of the food waste so treated in that period —
 - (i) the amount that is treated in the prescribed building or within the premises on which the prescribed building is situated; and
 - (ii) the amount that is treated at a licensed waste disposal facility or public disposal facility;
 - (c) any other prescribed information relating to the food waste so treated in that period.

(2) A person given an approval under section 27(1) by the Agency must, in respect of the time during which the person is an occupier of the prescribed building or any part of the prescribed building, submit to the building manager a report containing the following information in relation to the food waste treated or caused to be treated by the person as such occupier under the approval:

- (a) the amount of food waste so treated;
- (b) of the amount of the food waste so treated in that period —
 - (i) the amount that is treated in the prescribed building or within the premises on which the prescribed building is situated; and
 - (ii) the amount that is treated at a licensed waste disposal facility or public disposal facility;
- (c) any other prescribed information relating to the food waste so treated in that period.

(3) A person who, without reasonable excuse, contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and

- (b) in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Requirements for reports

27D.—(1) A requirement to submit a report under this Part to the Agency or a building manager is a requirement to do so in accordance with any requirements prescribed under section 52 for the report, including its preparation and submission.

(2) The Agency may, in respect of any incomplete or inaccurate report submitted by a person, in writing direct the person to do the following within the time period specified in the direction (or any longer time that the Agency may allow in any particular case):

- (a) rectify or re-compute any matter in the report as the Agency may require;
- (b) resubmit the report to the Agency,

and the person must comply with the direction.

(3) A person who fails to comply with a direction under subsection (2) shall be guilty of an offence and shall be liable —

- (a) on the first conviction to a fine not exceeding \$5,000; and
- (b) on a second or subsequent conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after that second or subsequent conviction.

(4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(5) The offence under subsection (3) is a strict liability offence.

Keeping of records

27E.—(1) A person who is required under this Part to submit any report to the Agency or a building manager, must keep and maintain complete and accurate records containing such information and documents, and in accordance with such other requirements, as may be prescribed under section 52, relating to —

- (a) that report, including the preparation and submission of the report; and
- (b) monitoring and evaluation undertaken by the person to ensure compliance with this Act.

(2) The person mentioned in subsection (1) must —

- (a) retain the records mentioned in subsection (1) for at least the prescribed period;
- (b) during the prescribed period mentioned in paragraph (a), make those records available for inspection by any authorised officer, when so requested by the authorised officer; and
- (c) submit to the Agency those records in the time specified by the Agency.

(3) A person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable —

- (a) on the first conviction to a fine not exceeding \$5,000; and
- (b) on a second or subsequent conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after that second or subsequent conviction.

(4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(5) The offence under subsection (3) is a strict liability offence.”.

New section 29A

8. The principal Act is amended by inserting, immediately after section 29, the following section:

“Requirements relating to key appointment holders

29A.—(1) The Minister may, by regulations made under section 52 —

- (a) subject to subsection (2), prescribe requirements relating to persons appointed as a licensee’s key appointment holders; and
- (b) require a licensee to obtain the Agency’s approval for the appointment of a key appointment holder in relation to whom any requirement mentioned in paragraph (a) is imposed.

(2) The requirements mentioned in subsection (1)(a) must not be imposed in relation to more than one-third of the number of persons (rounded up to the next whole number) appointed as the licensee’s key appointment holders.”.

Amendment of section 32

9. Section 32 of the principal Act is amended —

- (a) by inserting, immediately after the words “subsection (1)” in subsection (2), the words “(except one mentioned in subsection (2A))”;
- (b) by inserting, immediately after subsection (2), the following subsection:

“(2A) Where a licensee of a licensed scheme for beverage containers mentioned in section 23O fails to comply with a licence condition relating to minimum specified waste collection amounts, the Agency may, in addition to or instead of taking any action under section 31(1), order the licensee to pay a financial penalty of an amount not exceeding \$500,000, by the date specified in the order.”;

- (c) by inserting, immediately after the words “subsection (2)” in subsections (3), (4) and (5), the words “or (2A)”;
- (d) by deleting the word “revoked” in subsection (3) and substituting the word “made”; and
- (e) by inserting, immediately after subsection (5), the following subsections:

“(6) The Agency must, in determining the amount of a financial penalty imposed under subsection (2) or (2A), have regard, and give such weight as the Agency considers appropriate, to all of the following matters:

- (a) the nature, gravity and duration of the non-compliance by the licensee;
- (b) whether the licensee, as a result of the non-compliance, gained any financial benefit or avoided any financial loss;
- (c) whether the licensee took any action to mitigate the effects and consequences of the non-compliance, and the timeliness and effectiveness of that action;
- (d) whether the licensee had, despite the non-compliance, implemented adequate and appropriate measures for compliance with the requirements under this Part;

- (e) whether the licensee had previously failed to comply with the provisions of this Part or any condition of the licence;
- (f) whether the financial penalty to be imposed is proportionate and effective, having regard to achieving compliance and deterring non-compliance with the provisions of this Part or any condition of the licence;
- (g) the likely impact of the imposition of the financial penalty on the licensee, including the ability of the licensee to continue with its usual activities;
- (h) any other matter that may be relevant.

(7) In this section, a reference to “this Part” includes a reference to any regulations made under section 52 that apply to a person issued a licence to operate a producer responsibility scheme granted under section 29(2).”.

Amendment of section 52

10. Section 52(2) of the principal Act is amended —

- (a) by inserting, immediately after paragraph (a), the following paragraph:

“(aa) the duties of a person registered as a registered retailer under section 23C;”;

- (b) by deleting the full-stop at the end of paragraph (e) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

“(f) the duties of any person or a person within a class of persons who supplies a beverage product, in relation to the communication of the price or deposit for the beverage product, and any waiver of the giving of the amount of the deposit to the person;

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- (g) treating prescribed supplies of beverage products as supplies for which a person receives, or does not receive, any consideration in money for the purposes of section 23Q(5);
 - (h) the circumstances in and purposes for which a scheme licensee may use any amount of deposit provided under section 23R(1) for a purpose other than the refund of a deposit under section 23U;
 - (i) the duties of a return point operator.”.
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