Mrs Giulia Jones MLA

Chair

Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)

ACT Legislative Assembly

London Circuit

CANBERRA ACT 2601

Dear Mrs Jones,

I write in response to the Standing Committee on Justice and Community Safety’s Scrutiny Report No. 10 of 18 October 2017, which includes comments on the Waste Management and Resource Recovery Amendment Bill 2017 (the Bill). The Bill proposes to introduce a Container Deposit Scheme in the Territory where empty beverage containers can be returned for a 10 cent refund. The scheme is designed to reduce litter and increase recycling of empty beverage containers.

The Committee’s report under section 38 of the *Human Rights Act 2004* (HRA) draws two matters to the attention of the Legislative Assembly. I am grateful for the Committee’s comments and note the recommendation that I respond to the second matter concerning the right to privacy. I thank the Committee for its comments (at pages 12 -13) seeking clarification of the explanatory statement regarding section 64Z of the Bill. I propose to table a revised Explanatory Statement to clarify the issue raised.

Under the proposed section 64Z, a person may be required to furnish proof of identity and a refund declaration to a collection point operator if they are claiming refunds for a significant number of containers. This is designed to guard against fraudulent claims for large refund amounts. Potential fraudulent claimants will be less likely to engage in fraud given the requirement to provide this information and will accountable and identifiable for any fraudulent activity. Such personal information will also assist the investigation into any alleged fraudulent refund claims.

The collection and storage of a person’s identity and refund declaration information engages the right to privacy protected under section 12 of the HRA.

*Privacy protection*

To ensure such personal information is collected, stored and, when appropriate, destroyed, so as to protect the right to privacy, it will be handled by collection point operators in accordance with the Territory Privacy Principles in the *Information Privacy Act 2014.* To ensure this occurs, there is oversight from the Territory provided for in the Bill.

*Territory oversight*

The Container Deposit Scheme will function so that collection point operators will be contracted by the Network Operator to provide container collection and refund services to persons wishing to claim refunds. Those contracts will be “Collection Point Arrangements” under proposed section 64O of the Bill.

The Territory’s Waste Manager is responsible under this section to approve these collection point arrangements. It is intended that a future Regulation under section 64O(2) will require the provision of information in any application for approval of collection point arrangements confirming that the proposed collection point operator will adhere to the *Information Privacy Act 2014*. This will be a pre-requisite for such an approval to be granted by the Waste Manager.

This oversight function by the Territory will ensure the protection of personal information by collection point operators.

I thank the Committee for its report and careful consideration of the Bill and trust this response is informative.

Yours sincerely

Meegan Fitzharris MLA

Minister for Transport and City Services