
c2025-013F
Ind (MR)--Independent (Michael Regan)

LEGISLATIVE ASSEMBLY

Protection of the Environment Legislation Amendment (FOGO Recycling) Bill 2024

First print

Proposed amendments

- No. 1 **Omission of penalties for local councils**
Page 3, Schedule 1[2], line 13. Omit all words on the line.
- No. 2 **Omission of penalties for local councils**
Page 3, Schedule 1[3], lines 18–23. Omit all words on the lines. Insert instead—
 Maximum penalty—the maximum penalty for the executive liability offence
 if committed by an individual.
- No. 3 **Omission of penalties for local councils**
Page 6, Schedule 1[4], proposed section 170E(1), penalty, lines 31 and 32. Omit all words on the
lines.
- No. 4 **Frequency of collection of food organics waste**
Page 6, Schedule 1[4], proposed section 170E(2)(a), line 37. Omit “least once each week”. Insert
instead “intervals the local council considers appropriate”.
- No. 5 **Omission of penalties for local councils**
Page 6, Schedule 1[4], proposed section 170E(2), penalty, lines 43 and 44. Omit all words on the
lines.
- No. 6 **Reasonable excuse for local councils transporting FOGO waste with non-organic waste**
Page 7, Schedule 1[4], proposed section 170E(3), line 2. Insert “, unless there is a reasonable
excuse” after “transportation”.
- No. 7 **Omission of penalties for local councils**
Page 7, Schedule 1[4], proposed section 170E(3), penalty, line 3. Omit all words on the line.
- No. 8 **Reasonable excuse for local councils transporting FOGO waste with non-organic waste**
Page 7, Schedule 1[4], proposed section 170E. Insert before line 5—
 (4) For subsection (3), a reasonable excuse includes that FOGO waste collected
 for transportation is, or is likely to be, already mixed with non-organic waste
 at the time of collection.

No. 9 **Authorised officers**

Pages 7 and 8, Schedule 1[4], proposed section 170G, line 42 on page 7 to line 12 on page 8. Omit all words on the lines.

No. 10 **FOGO Implementation Advisory Panel**

Page 9, Schedule 1[4]. Insert after line 9—

170J FOGO Implementation Advisory Panel

- (1) The FOGO Implementation Advisory Panel (the *Panel*) is established.
- (2) The Panel consists of members appointed by the Minister and must include—
 - (a) at least 2 members nominated by Local Government NSW, and
 - (b) at least 2 members from or otherwise representing the waste and resource recovery industry.
- (3) The functions of the Panel are to—
 - (a) provide advice to the Minister and the EPA about the implementation and operation of this chapter, and
 - (b) be consulted about, and provide advice to, the Minister about matters to be prescribed in regulations made for the purposes of this chapter, other than regulations proposed to be made under this section, before the Minister recommends to the Governor the making of the regulations.
- (4) The procedures of the Panel are, subject to the regulations and any direction of the Minister, to be decided by the Panel.
- (5) The regulations may provide for matters relating to the Panel, including—
 - (a) the eligibility of persons for membership of the Panel and other matters relating to the constitution of the Panel, and
 - (b) the appointment of members of the Panel, and
 - (c) the remuneration of members of the Panel, and
 - (d) the Panel's procedures.
- (6) This section is repealed on 1 July 2035.

No. 11 **Omission of penalties for local councils**

Page 9, Schedule 1[6], proposed Schedule 5, Part 21, clause 77, lines 18 and 19. Omit “, and an offence is not committed against section 170E for a failure to comply with the section,”.