

South Australia

# Environment Protection (Beverage Container) Regulations 2008

under the *Environment Protection Act 1993*

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### 1—Short title

These regulations may be cited as the *Environment Protection (Beverage Container) Regulations 2008*.

### 2—Commencement

These regulations will come into operation on the day on which section 7 of the *Environment Protection (Miscellaneous) Amendment Act 2008* comes into operation.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Environment Protection Act 1993*;

*milk* means cow's milk or the milk of any other animal, soy milk, rice milk or coconut milk and, without limiting that meaning, includes milk that is 1 or more of the following:

- (a) ultra heat treated or reconstituted milk;
- (b) reduced fat milk;

- (c) milk with added protein, milk fat, calcium, vitamins, minerals or other supplements;

**pure juice** means a liquid at least 90% of which is fruit juice or vegetable juice or a mixture of fruit and vegetable juices;

**water** includes mineral water and spring water;

**wine-based beverage** means a pre-mixed beverage that contains—

- (a) wine and another beverage that is not a grape product; and
- (b) less than 10% alcohol by volume at 20° Celsius.

#### 4—Beverage

The following liquids are excluded from the ambit of the definition of **beverage** in section 65 of the Act:

- (a) concentrated fruit or vegetable juice, or concentrated fruit and vegetable juice, intended to be diluted with water before consumption; and
- (b) a health tonic that is—
  - (i) registered on the Australian Register of Therapeutic Goods under the *Therapeutic Goods Act 1989* of the Commonwealth; and
  - (ii) supplied with a label or other accompanying document specifying—
    - (A) that the tonic is for medicinal purposes; and
    - (B) a recommended maximum dosage.

#### 5—Collection depot

For the purposes of the definition of **collection depot** in section 65 of the Act, a reverse vending machine is a facility of a prescribed kind.

#### 6—Refund amount

For the purposes of the definition of **refund amount** in section 65 of the Act, the following refund amounts are prescribed:

- (a) for category A containers—\$0.10;
- (b) for category B containers—\$0.10.

#### 7—Exemption of certain containers by regulation

- (1) Pursuant to section 67 of the Act, the following classes of containers are exempt from the application of Part 8 Division 2 of the Act:
  - (a) containers used for the purpose of containing more than 3 litres of beverage;
  - (b) containers used for the purpose of containing 1 litre or more of milk to which flavouring has been added;
  - (c) containers used for the purpose of containing 1 litre or more of pure juice;
  - (d) containers constructed of cardboard and plastic, cardboard and foil, or cardboard, plastic and foil (commonly known as casks or aseptic packs) used for the purpose of containing 1 litre or more of wine, wine-based beverage or water;

- (e) containers constructed of plastic or foil or plastic and foil (commonly known as sachets) used for the purpose of containing 250 millilitres or more of wine.
- (2) Pursuant to section 67 of the Act, until 28 February 2010 category A and category B containers marked with a former approved refund marking are exempt from the application of the following provisions of the Act:
  - (a) section 68(3)(a)(i);
  - (b) section 69B(1);
  - (c) section 69B(2).

### **8—Annual returns for collection depots and super collectors**

- (1) For the purposes of section 69A(1) of the Act, the date before which the holder of an approval to operate a collection depot or carry on business as a super collector must lodge an annual return with the Authority is, unless some other date is fixed by the Authority by condition of the approval, 30 September in each year.
- (2) For the purposes of section 69A(2) of the Act, the penalty for failure to lodge an annual return is—
  - (a) for the holder of an approval to operate a collection depot—\$20.00 plus 1% of the application fee set out in Schedule 1 for an approval to operate a collection depot for the first month (or part of a month) for which the default continues and 2% of that application fee for each further month (or part of a month) for which the default continues; and
  - (b) for the holder of an approval to carry on business as a super collector—\$20.00 plus 1% of the application fee set out in Schedule 1 for an approval to carry on business as a super collector for the first month (or part of a month) for which the default continues and 2% of that application fee for each further month (or part of a month) for which the default continues.

### **9—Offence to claim refund on beverage containers purchased outside State or corresponding jurisdiction**

For the purposes of section 69C(2) of the Act, a declaration to be completed by a person presenting containers must include the following:

- (a) the full name and address of the person;
- (b) proof of identity of the person in the form of—
  - (i) the person's driver's licence number; or
  - (ii) if the person is unable to produce his or her driver's licence—details of the proof of identity produced by the person (for example, a passport, credit or debit card, concession card, gas, electricity or telephone account or similar document or card issued to the person);
- (c) if the person has delivered the containers by vehicle—the registration number of the vehicle and the State or Territory of registration;
- (d) the signature of the person.

## **10—Certain containers prohibited**

For the purposes of section 72(1)(b) of the Act, a sealed glass container (commonly known as a plasti-shield container) that—

- (a) is designed to contain more than 500 millilitres of beverage; and
  - (b) is not designed to be refilled; and
  - (c) is covered on the outside with a plastic sheath or coating,
- is a sealed glass container of a prescribed kind.

## **Schedule 1—Fees**

Fees for the purposes of Part 8 Division 2 of the Act are payable as follows:

- |  |          |
|--|----------|
| (a) application for approval of a class of containers as category A or category B containers (section 68 of Act) | no fee   |
| (b) application for approval to operate a collection depot (section 69 of Act)                                   | \$75.00  |
| (c) application for approval to carry on business as a super collector (section 69 of Act)                       | \$550.00 |

## **Schedule 2—Revocation of *Environment Protection (Beverage Container) Regulations 1995***

The *Environment Protection (Beverage Container) Regulations 1995* are revoked.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2008	232	<i>Gazette 28.8.2008 p3894</i>	1.9.2008: r 2