

South Australia

# Environment Protection (Beverage Container) Regulations 1995

under the *Environment Protection Act 1993*

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Legislative history

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### 1—Short title

These regulations may be cited as the *Environment Protection (Beverage Container) Regulations 1995*.

### 3—Interpretation

In these regulations—

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

*flavoured milk* means milk to which flavouring has been added;

*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 one 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 fruit juice* means a liquid at least 90 per cent of which is fruit juice or vegetable juice or a mixture of fruit and vegetable juices;

*soft drink* means all kinds of drinks that do not include alcohol except—

- (a) water; and
- (b) milk; and
- (c) pure fruit juice;

*water* includes mineral water, spring water and any other water intended for human consumption by drinking.

#### **4—Beverages**

Pursuant to section 65 of the Act, the following liquids intended for human consumption by drinking are declared to be beverages for the purposes of Division 2 Part 8 of the Act:

- (a) water; and
- (b) flavoured milk; and
- (c) pure fruit juice; and
- (d) non-carbonated soft drinks.

#### **5—Refund amounts**

For the purposes of the definition of *refund amount* in section 65 of the Act, the refund amount for containers of a class specified in Schedule 1 is as specified in that Schedule.

#### **6—Wine-based beverage prescribed percentage of alcohol**

For the purposes of the definitions of *spirit-based beverage* and *wine-based beverage* in section 65 of the Act, the prescribed percentage of alcohol in a beverage that contains any spirit or wine is 10 per cent alcohol by volume at 20° Celsius.

#### **7—Containers exempted from Division 2 of Part 8 of Act**

Pursuant to section 67 of the Act, containers of a class specified in Schedule 2 are exempted from Division 2 of Part 8 of the Act.

#### **8—Exemption for containers with higher refund amount**

Pursuant to section 67 of the Act, containers bearing refund marking stating a refund amount higher than that required under these regulations are exempted from that requirement subject to the following conditions:

- (a) the refund marking must be otherwise as required under the Act;
- (b) the containers must not be sold by a retailer unless the manufacturer or distributor of containers of that class has obtained the Authority's approval of the higher amount and, for that purpose, satisfied the Authority that proper arrangements have been made for acceptance of the containers by retailers or collection depots (as the case may require) and payment of that higher amount as the refund amount.

## 9—Fee

The fee to accompany an application for approval under section 69 of the Act is as set out in Schedule 3.

## 10—Prohibited containers

For the purposes of section 72(1)(b) of the Act, a glass container designed to contain more than 500 millilitres of beverage that is not designed to be refilled and is covered on the outside with a plastic sheath or coating (commonly known as a plasti-shield container) is a glass container of a prescribed kind.

## Schedule 1—Refund amounts

- 1 Subject to clauses 3 and 4, for category A containers the refund amount is \$0.10 per container.
- 2 Subject to clause 3, for category B containers the refund amount is \$0.05 per container.
- 3 For containers for which the Authority has approved a higher amount under regulation 8 the refund amount is the amount so approved.
- 4 For category A containers that had a refund amount of \$0.05 per container under the *Beverage Container Act 1975* immediately before the commencement of these regulations, the refund amount is \$0.05 per container until the first anniversary of the commencement of these regulations when the refund amount becomes \$0.10 per container.

## Schedule 2—Exempt containers

- 1 Any containers used for the purpose of containing 1 litre or more of flavoured milk.
- 2 Any containers used for the purpose of containing 1 litre or more of pure fruit juice.
- 3 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 at least one litre of wine, wine-based beverage or water.
- 4 Containers constructed of plastic or foil or plastic and foil (commonly known as sachets) used for the purpose of containing at least 250 millilitres of wine.
- 5 Any containers used for the purpose of containing more than 3 litres of beverage.

## Schedule 3—Fees

- |   |  |         |
|---|--|---------|
| 1 | For an application for approval of a class of containers as category A or category B containers          | no fee  |
| 2 | For an application for approval of a single collection depot (including approval of the collection area) | \$67.00 |

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1995	41	<i>Gazette 27.4.1995 p1658</i>	1.5.1995: r 2
1997	112	<i>Gazette 13.5.1997 p1931</i>	1.7.1997: r 2
1998	102	<i>Gazette 28.5.1998 p2412</i>	1.7.1998: r 2
1999	103	<i>Gazette 27.5.1999 p2908</i>	1.7.1999: r 2
2000	112	<i>Gazette 25.5.2000 p2820</i>	1.7.2000: r 2
2000	277	<i>Gazette 30.11.2000 p3400</i>	1.1.2003: r 2
2001	55	<i>Gazette 31.5.2001 p1961</i>	1.7.2001: r 2
2002	55	<i>Gazette 20.6.2002 p2520</i>	1.7.2002: r 2
2003	119	<i>Gazette 29.5.2003 p2312</i>	1.7.2003: r 2
2004	96	<i>Gazette 27.5.2004 p1604</i>	1.7.2004: r 2
<b>2005</b>	<b>61</b>	<b><i>Gazette 26.5.2005 p1417</i></b>	<b>1.7.2005: r 2</b>
2006	87	<i>Gazette 15.6.2006 p1718</i>	1.7.2006: r 2

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Regulations 2002</i>	<i>1.7.2004</i>
r 3		
flavoured milk	inserted by 277/2000 r 3	1.1.2003
milk	inserted by 277/2000 r 3	1.1.2003
pure fruit juice	inserted by 277/2000 r 3	1.1.2003
soft drink	inserted by 277/2000 r 3	1.1.2003
r 4	substituted by 277/2000 r 4	1.1.2003
Sch 2		

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cl 1	substituted by 277/2000 r 5(a)	1.1.2003
cl 2	substituted by 277/2000 r 5(b)	1.1.2003
cl 3	varied by 277/2000 r 5(c)	1.1.2003
cl 4	varied by 277/2000 r 5(d)	1.1.2003
cl 5	varied by 277/2000 r 5(e)	1.1.2003
cl 6	deleted by 277/2000 r 5(f)	1.1.2003
<i>Sch 3 before substitution by 61/2005</i>	<i>varied by 112/1997 r 3</i>	<i>1.7.1997</i>
	<i>varied by 102/1998 r 3</i>	<i>1.7.1998</i>
	<i>varied by 103/1999 r 3</i>	<i>1.7.1999</i>
	<i>varied by 112/2000 r 3</i>	<i>1.7.2000</i>
	<i>varied by 55/2001 r 3</i>	<i>1.7.2001</i>
	<i>varied by 55/2002 r 3</i>	<i>1.7.2002</i>
	<i>varied by 119/2003 r 4</i>	<i>1.7.2003</i>
	<i>varied by 96/2004 r 4</i>	<i>1.7.2004</i>
<b>Sch 3</b>	<b>substituted by 61/2005 r 4</b>	<b>1.7.2005</b>

## Historical versions

1.7.2004