

South Australia

Environment Protection (Beverage Container) Regulations 2008

under the *Environment Protection Act 1993*

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Schedule 1—Fees

Legislative history

1—Short title

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

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) | \$78.00 |
| (c) | application for approval to carry on business as a super collector (section 69 of Act) | \$573.00 |

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.

Revocation of regulations

The *Environment Protection (Beverage Container) Regulations 2008* were revoked by Sch 5 cl 1 of the *Environment Protection Regulations 2009* on 1.9.2009.

Legislation revoked by principal regulations

The *Environment Protection (Beverage Container) Regulations 2008* revoked the following:

Environment Protection (Beverage Container) Regulations 1995

Principal regulations and variations

Year	No	Reference	Commencement
2008	232	<i>Gazette 28.8.2008 p3894</i>	1.9.2008: r 2
2009	123	<i>Gazette 4.6.2009 p2573</i>	1.7.2009: r 2

Provisions varied

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 Act 2002</i>	<i>1.7.2009</i>
Sch 1	substituted by 123/2009 r 4	1.7.2009
<i>Sch 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2009</i>