

Legislative Council—No 70

As introduced and read a first time, 8 February 2023

South Australia

**Environment Protection (Cigarette Butt Waste)
Amendment Bill 2023**

A BILL FOR

An Act to amend the *Environment Protection Act 1993*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Environment Protection (Cigarette Butt Waste) Amendment Act 2023*.

2—Commencement

This Act comes into operation 12 months after the day on which it is assented to by the Governor.

Part 2—Amendment of *Environment Protection Act 1993*

10 3—Insertion of Part 8 Division 3

After section 73 insert:

Division 3—Cigarette butt waste

74—Interpretation

In this Division—

- 15 *approved waste collection scheme* means a scheme approved by the Authority under section 76;

refund amount means an amount prescribed as the refund amount for cigarette butts;

- 20 *retailer* means a person whose business is or includes that of selling cigarettes by retail and, in the case of such sale by means of a vending machine, includes the owner of that vending machine unless the owner has let out the machine on hire to some other person, in which case the expression includes that other person.

75—Sale of cigarettes

- (1) A retailer must not sell cigarettes unless—
- (a) an approved waste collection scheme is in force in relation to the cigarette butts; and
 - (b) the retailer is displaying, at the point of sale, information about the approved waste collection scheme in accordance with any requirements prescribed by the regulations.
- (2) The regulations may fix either or both of the following:
- (a) a maximum fine for a contravention of this section;
 - (b) an expiation fee for an alleged contravention of this section.

76—Approved waste collection schemes

- (1) A manufacturer of cigarettes may apply to the Authority for approval of a scheme for the collection of the cigarette butts.
- (2) An application for an approval under this section—
- (a) must be made in a manner and form determined by the Authority; and
 - (b) must be accompanied by the prescribed fee; and
 - (c) must, on request by the Authority, be accompanied by additional information to enable the Authority to determine the application.
- (3) An approval—
- (a) may only granted under this section in relation to cigarettes if the Authority is satisfied that adequate arrangements are in place for persons to surrender, at a place or places in the State, the butts of the cigarettes (when the cigarettes have been purchased in this State) and to be paid the refund amount for the cigarette butts; and
 - (b) may be granted subject to any other conditions the Authority thinks fit; and
 - (c) must be notified in the Gazette.
- (4) If the Authority refuses an application for an approval under this section, it must give the applicant written notice of the refusal and the reasons for the refusal.
- (5) The Authority may, on its own initiative or on application, by notice in the Gazette, vary an approval under this section or vary or revoke a condition of such an approval or impose a condition or further condition.
- (6) The Authority may, by notice in the Gazette, revoke an approval under this section if satisfied that adequate arrangements as described in subsection (3)(a) are no longer in place or if a condition of the approval has been contravened.

- (7) Before the Authority revokes an approval under subsection (6), the Authority must—
- (a) give the holder of the approval written notice of its proposed action specifying reasons for the proposed action; and
 - (b) allow the holder of the approval at least 14 days within which to make submissions to the Authority in relation to the proposed action.
- (8) The holder of an approval under this section must not contravene a condition of the approval.
- Maximum penalty: \$4 000.
Expiation fee: \$300.

77—Offence to claim refund when cigarettes purchased outside State

- (1) A person must not claim a refund amount under an approved waste collection scheme in respect of cigarette butts if the person knows or has reason to believe that the cigarettes were not purchased in this State.
- Maximum penalty: \$30 000.
- (2) A person to whom cigarette butts are surrendered pursuant to an approved waste collection scheme may request any person seeking to surrender cigarette butts for the purpose of claiming refund amounts to complete a declaration in the form prescribed by regulation for the purposes of this section stating that the person has no reason to believe that the cigarettes were not purchased in this State.
- (3) A person to whom cigarette butts are surrendered pursuant to an approved waste collection scheme must—
- (a) keep each declaration made under this section (or copy of the declaration) at his or her place of business in the State for 3 years from the date of the declaration; and
 - (b) have the document readily available for inspection at all reasonable times by an authorised officer.
- Maximum penalty: \$4 000.
Expiation fee: \$300.