

SOUTH AUSTRALIA

**BEVERAGE CONTAINER REGULATIONS 1990**

## REGULATIONS UNDER THE BEVERAGE CONTAINER ACT, 1975

### *Beverage Container Regulations, 1990*

being

No. 45 of 1990: *Gaz.* 5 April 1990, p. 968

as varied by

No. 153 of 1990: *Gaz.* 19 July 1990, p. 377

No. 47 of 1991: *Gaz.* 2 May 1991, p. 1437

No. 241 of 1991: *Gaz.* 5 December 1991, p. 1717

No. 66 of 1992: *Gaz.* 4 June 1992, p. 1633

No. 197 of 1992: *Gaz.* 29 October 1992, p. 1420<sup>1</sup>

No. 18 of 1993: *Gaz.* 18 February 1993, p. 637<sup>2</sup>

No. 166 of 1993: *Gaz.* 1 July 1993, p. 407<sup>3</sup>

No. 250 of 1993: *Gaz.* 27 October 1993, p. 2104<sup>4</sup>

No. 21 of 1994: *Gaz.* 7 April 1994, p. 961<sup>5</sup>

No. 79 of 1994: *Gaz.* 9 June 1994, p. 1715<sup>6</sup>

No. 133 of 1994: *Gaz.* 4 August 1994, p. 392<sup>7</sup>

<sup>1</sup> Came into operation 29 October 1992: reg. 2.

<sup>2</sup> Came into operation 18 February 1993: reg. 2.

<sup>3</sup> Came into operation 1 July 1993: reg. 2.

<sup>4</sup> Came into operation 24 November 1993: reg. 2.

<sup>5</sup> Came into operation 7 April 1994: reg. 2.

<sup>6</sup> Came into operation 9 June 1994: reg. 2.

<sup>7</sup> Came into operation 4 August 1994: reg. 2.

*Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.*

**Citation**

1. These regulations may be cited as the *Beverage Container Regulations, 1990*.

**Revocation**

2. All regulations previously made under the *Beverage Container Act, 1975*, are revoked.

**Interpretation**

3. In these regulations—

"the Act" means the *Beverage Container Act, 1975*:

"beer" means beer, ale, lager, stout or any other similar beverage produced by brewing:

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

**Beverages**

4. For the purposes of the definition of "beverage" in section 4 of the Act, the liquids listed in schedule 1 are declared to be beverages.

**Refund amounts**

5. For the purposes of the definition of "refund amount" in section 4 of the Act, the refund amount for containers of a description specified in schedule 2 is as specified in that schedule.

**Wine-based beverage prescribed percentage of alcohol**

6. For the purposes of the definition of "wine-based beverage" in section 4 of the Act, the prescribed percentage of alcohol in a beverage that contains wine is 10 per cent alcohol by volume at 20° Celsius.

**Containers exempted from Act**

7. Pursuant to section 5a of the Act, containers of a description specified in schedule 3 are exempted from the Act.

**Transitional exemption from s. 6**

8. (1) Pursuant to section 5a of the Act, containers marked before 31 May, 1990, in the manner and form approved by the Minister before the commencement of these regulations with a statement indicating an amount of 4 cents or 15 cents as the refund amount applicable to the containers are exempted from section 6 of the Act.

(2) The exemption provided by subregulation (1) is subject to the conditions that—

(a) a retailer selling any such containers must display in the retailer's premises so as to be readily visible to all purchasers or prospective purchasers of such containers one or more signs that comply with the following requirements:

(i) each such sign must be not less than 30 x 40cms;

3.

- (ii) it must contain the following statement printed in capital letters at least 8mm high (36 point) and so as to be clearly legible:

"BEER AND WINE COOLER CONTAINERS MAY BE SOLD WITH INCORRECT LABELLING UNTIL 30 JUNE, 1990. A 5 CENTS REFUND APPLIES TO CANS AND ALSO APPLIES TO BEER AND WINE COOLER BOTTLES THAT SPECIFY REFUND AT CONTAINER COLLECTION DEPOTS. THIS REFUND MAY BE OBTAINED AT CONTAINER COLLECTION DEPOTS. A 10 CENTS REFUND APPLIES TO BEER AND WINE COOLER BOTTLES THAT EITHER SPECIFY REFUND AT POINT OF SALE OR DO NOT SPECIFY THE PLACE OF RETURN. THIS REFUND WILL BE PAID WHEN SUCH BOTTLES ARE RETURNED TO THIS POINT OF SALE.";

- (iii) underneath that statement must appear the statement "Notice under the *Beverage Container Act, 1975*" printed in letters not less than 6mm high (24 point) and so as to be clearly legible;

- (b) a retailer must not sell any such containers after 30 June, 1990.

**Exemption from s. 6 for containers with higher refund amount**

9. (1) Pursuant to section 5a of the Act, containers marked after the commencement of these regulations in the manner and form required by section 6 of the Act but with a statement indicating as the refund amount an amount greater than that prescribed by these regulations for such containers are exempted from section 6 of the Act.

(2) The exemption provided by subregulation (1) is subject to the condition that, before any such containers are sold by retailers, the manufacturer or distributor of the containers must have obtained the Minister's approval for such marking of the containers and, for that purpose, have satisfied the Minister that proper arrangements have been made for their acceptance by retailers or collection depots (as the case may require) and payment of the amount marked on them as the refund amount.

**Exemption of certain glass containers from s. 7**

10. Pursuant to section 5a of the Act, glass containers of a description specified in schedule 4 are exempted from section 7 of the Act.

**Application for approval of collection depot**

11. For the purposes of section 9(1) of the Act, an application must be made in the form set out in schedule 5 and must be delivered or posted to the office of the Department of Environment and Planning.

**Prohibited glass containers**

12. For the purposes of section 13a 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.

4.

SCHEDULE 1

*Beverages*

Milk  
Water

SCHEDULE 2

*Refund amounts*

Description of container . . . . .	(\$)	refund per container
1. Glass containers exempted from section 7 of the Act (see schedule 4) . . . . .	0.05	
2. Glass containers used for the purpose of containing beer or wine-based beverage that are not exempted from section 7 of the Act . . . . .	0.10	
3. Containers containing or designed to contain no more than 3 000 millilitres of beverage, other than containers of a description set out in item 1 or 2 above . . . . .	0.05	

SCHEDULE 3

*Exempt containers*

1. Containers used for the purpose of containing milk.  
  
\* \* \* \* \*
2. Glass containers used for the purpose of containing alcoholic and non-alcoholic ciders.
  - 2A. Glass containers used for the purpose of containing an alcoholic beverage derived from the fermentation of fruit, other than an alcoholic beverage that is a wine-based beverage.
3. Deposit bearing glass containers that are designed to be refilled and are used for the purpose of containing water or carbonated soft drinks or waters.
4. Containers constructed of cardboard and plastic, cardboard and foil, or cardboard, plastic and foil (commonly known as casks or aseptic packs) containing at least one litre of wine, wine-based beverage or water.
5. Containers constructed of plastic or foil or plastic and foil (commonly known as sachets) containing at least 250 millilitres of wine.

## SCHEDULE 4

*Glass Containers Exempted From Section 7*

## 1. Containers for beer sold under any of the following market names:

Abbots Lager	Eagle Blue	Michelob
Adelscott	Eagle Super	Mickeys Malt
Andes	Emu Export	Miller Genuine Draft
Arnegger (non-alcoholic)	Eumundi	Moosehead
Asahi	Eumundi Light	Moretti
Bass Pale Ale	Fischer Gold	Mulga Wheat Beer
Becks Bier	Fischer Tradition	Nastro Azzurro
Belle-Vue	Foster's Lager	Negra Modela
Best Bitter Beer	Fosters Lager (restaurant bottle)	Newcastle Brown Ale
Big Horn	Foster's Light	New Quay Steam Beer
Bintang Pilsener	Fosters Light (restaurant bottle)	New Quay Steam Bitter
Birdsville Dry Beer	Fosters Special Bitter	New Quay Steam Lager
Birrell	Gosser Export	New Quay Steam Stout
Bitburger	Gosser Stiftsbrau	Oakbank Ale
Bombay Pilsner	Grimbergen	Pacifico
Brahma	Grolsch Dry	Pilsner Urquell
Broken Hill Draught	Grolsch Lager	Pilsner Urquell
Budweiser	Grundel's	Powers Bitter
Carbine Stout	Guinness Stout	Powers Light
Carlsberg Deluxe	Gulf Australia Lager	Rainer Dry Beer
Carlsberg Elephant	Hahn Ice Beer	Redback
Carlton Cold Filtered Bitter	Hahn Lager	Royal Dutch
Carlton Crown Lager	Hahn Premium Light	Sagres
Carlton D. Ale	Harp Lager	San Miguel
Carlton Draught	Heineken Dark	Sapporo
Carlton Genuine Draught	Heineken Lager	Schlitz
Carlton Light	Hoegaarden	Schlitz Genuine Draft
Cascade	Holsten Premium	Schlitz Malt Liquor
Cascade Pale Ale	Iron Brew	Simpatico
Cascade Special Stout	Kaiser Premium	Singha Beer
Castlemaine Dry	Kaiserdom Extra Dry	Sol
Cook's Export Lager	Kaiserdom Pilsener	South Pacific
Coopers Adelaide Bitter	Kent Town Real Ale	Southwark Bitter
Coopers Ale	Kilkenny Ale	Southwark Gold
Coopers D.B	Kirin	Southwark Lite
Coopers Draught	Kirin Ichiban	Southwark Premium
Coopers Dry	Kiwi Lager	Southwark Special
Coopers Genuine Black Crow Filtered Ale	Krakus	Southwark Stout
Coopers Light	Krombacher Pilsener	Southwark Traditional Draught
Coopers Pale Ale	Kronenbourg	Steinlager
Coopers Premium Clear Ale	Labatts	Stella Artois
Coopers Stout	Laguna Bay Lager	Suntory
Coors	Lion Pilsener	Super Bock
Copperhead Wheat Beer	Lone Star	Swan Dry
Corona Extra	Lowenbrau	Swan Export Lager
Cristal	Lowenbrau Dark	Swan Gold
DB Extra Dry	Lowenbrau Light	Swan Light Lager
Dogbolter	Mackeson Stout	Swan Special
Dortmunder Union Dark	Matilda Bay Christmas Ale	Swanky
Dortmunder Union Pilsener	Matilda Bay Easter Egg Ale	Tennent's Extra
Double Diamond Original Burton Ale	Matilda Bay Pils	Tennent's Milk Stout
Eagle Bitter	Matilda Bay Winter Warmer	Tennent's Super
	Melbourne Bitter	Thier Pils
		Tiger Beer

Tooheys Blue Bitter  
Tooheys Classic Bitter  
Tooheys Draught  
Tooheys Dry  
Tooheys Gold  
Tooheys 2.2 Lite  
Tooheys Old  
Tooheys Red Bitter  
Tsigntao  
Tuborg Lager

Victoria Bitter  
Warsteiner Beer  
Wattle Lager  
West End Draught  
West End Eagle Blue  
West End Export  
West End Export Dry  
West End Extra Light  
West End Light  
West End Premium

West End Super  
Whitbread Ale  
Young's Ramrod  
XXXX Bitter  
XXXX Gold  
XXXX Gold Lager  
XXXX Lite  
Zywiecbeer

2. Containers for wine-based beverage sold under any of the following market names:

Coolabah Cooler  
 Fruity Coral Cooler  
 J.B. Reynolds  
 Red Coral Cooler  
 S L Cooler  
 Stone's 1st Ginger Cooler  
 St Tropez  
 West Coast Cooler

3. Containers for water sold under any of the following market names:

Castello  
 Cruzeiro  
 Fonte S Moderanno Mineral  
 Water  
 Forest Rain Premium Water  
 Huon Valley Mineral Water  
 Koala Springs  
 Marble Spa Mineral Water  
 Pedras Salgadas  
 Perrier Mineral Water  
 Ramlosa Sparkling Mineral  
 Water  
 Trevi Mineral Water

4. Containers for carbonated soft drink sold under any of the following market names:

Bisleri Chinotto	Lucazade Orange	Spritz Orange
Bisleri Lemon	Mio Chinotto	Spritz Peach
Bisleri Lemon Lime and Bitters	Mio Gassosa	Sumol Wimmers Double
Bisleri Natural Mineral Water	Mio Moscatel	Sarsparilla
Bisleri Orange	Mirinda Lemon	Torquay Bondi Cola
Brio Chinotto	Mirinda Lime	Torquay Lemon Flavoured
Bundaberg Burgundee	Mirinda Orange	Natural Mineral Water
Bundaberg Ginger Beer	Mirinda Passionfruit	Torquay Lemon Lime and
Bundaberg Horehound Beer	Mirinda Raspberry	Bitters Flavoured Natural
Bundaberg Lemon Lime and	Mountain Dew	Mineral Water
Bitters	Olde Ginger Beer	Torquay Lemon and Lime
Bundaberg Mint Freeze	Pepsi	Flavoured Natural Mineral
Bundaberg Peachee	Pepsi Max	Water
Bundaberg Root Beer	Ribena Sparkling	Torquay Natural Flavoured
Dads Old Style Ginger Beer	River Port Ginger Beer	Mineral Water
Diet Pepsi	River Port Lemon Lime &	Torquay Orange Flavoured
Diet Seven-Up	Bitters	Natural Mineral Water
Fonte S Moderanno Bitter	River Port Lemon Squash	Torquay Orange and Mango
Gatorade Citrus Cooler	River Port Old Style Lemonade	Flavoured Natural Mineral
Gatorade Lemon Lime	River Port Portello	Water
Gatorade Tropical Fruit	River Port Raspberry and	Torquay Orange and
Hartz Lemon Lime	Lemonade	Passionfruit Flavoured
Hartz Natural	River Port Sarsparilla	Natural Mineral Water
Hartz Orange Peach	S Moderanno Chinotto	Torquay Pineapple and Lime
Hartz Wild Berry	Saxby Ginger Beer	Flavoured Natural Mineral
Jennys Old Fashioned Ginger	Seven-Up	Water
Pop	Splitz Ginger Ale	Torquay Raspberry and
Koala Springs	Splitz Soda Water	Apple Flavoured Natural
Liptonice	Splitz Tonic Water	Mineral Water
Lucozade	Spritz Lemon	Torquay Portello Flavoured
Lucozade Lemon	Spritz Mixed Berry	Natural Mineral Water



8.

Wimmers Lemon Squash  
Wimmers Lemon Lime and  
Bitters  
Wimmers Lime Cooler  
Wimmers Passionfruit  
Wimmers Raspberry and  
Lemonade  
Wimmers Tangerine and  
Orange

9.

5. Containers for mead sold under the following market name:

Taverner's Good Ale Mead.

6. Containers for spirit-based beverage sold under the following market name:

Wild Turkey and Cola

SCHEDULE 5

*Application for Approval of a Collection Depot under the Beverage Container Act, 1975*

I hereby apply for approval to establish and operate a container collection depot for .....  
.....  
(State town, suburb or council, or other area)

1. FULL NAME OF PROPOSED OPERATOR .....

2. FULL BUSINESS NAME .....

3. BUSINESS ADDRESS .....  
.....

4. MAILING ADDRESS .....  
.....

5. TELEPHONE NO. (BUSINESS) .....  
(HOME) .....

6. I \*INTEND/\*DO NOT INTEND TO CONDUCT CONTAINER REFUNDING AS MY SOLE BUSINESS

7. STATE NATURE OF OTHER BUSINESS CARRIED ON, IF APPLICABLE  
.....  
.....

8. BUSINESS HOURS OPEN:  
FROM ..... TO ..... ON .....  
(Days of week)

9. NO. OF STAFF ..... FULL TIME ..... PART TIME .....

10. TYPE OF DEPOT: \*DRIVE THROUGH/\*DRIVE ALONG SIDE/\*WALK IN/\*OTHER .....  
(Specify)

11. AMOUNT OF SPACE AVAILABLE FOR HANDLING AND STORAGE OF CONTAINERS, SECURITY PROVIDED (e.g., SHEDS, STILLAGES, STEEL CAGE) .....  
.....  
.....

12. DETAILS OF BUILDINGS, PARKING AREAS, LOADING AREAS, ACCESS AND EXIT TO STREET, WHETHER PAVED OR UNPAVED: SKETCH PREFERRED .....  
.....  
.....

11.

13. NAME OF MANUFACTURING/DISTRIBUTING COMPANY AND BRAND NAMES FOR WHICH  
CONTAINERS WILL BE COLLECTED .....

.....  
.....

(\*Strike out whichever items are not applicable)

I hereby certify that I have entered into a satisfactory agreement with respect to clearance of collected  
containers and redemption of deposit amounts, with the parties listed above in item 13.

Dated ..... Signed .....

**APPENDIX****LEGISLATIVE HISTORY**

Regulation 9(2):	varied by 153, 1990, reg. 2
Schedule 3:	
Clause 1:	varied by 250, 1993, reg. 3(a); substituted by 79, 1994, reg. 3
Clause 1a:	inserted by 250, 1993, reg. 3(b); revoked by 79, 1994, reg. 3
Clause 2A:	inserted by 133, 1994, reg. 3
Schedule 4:	varied by 153, 1990, reg. 3; 47, 1991, reg. 2; 241, 1991, reg. 2; substituted by 66, 1992, reg. 2
Clause 1:	substituted by 18, 1993, reg. 3(a); varied by 166, 1993, reg. 3(a); 21, 1994, reg. 3(a)
Clause 3 :	substituted by 18, 1993, reg. 3(b); varied by 166, 1993, reg. 3(b); 21, 1994, reg. 3(b)
Clause 4:	substituted by 18, 1993, reg. 3(b); varied by 166, 1993, reg. 3(c); 21, 1994, reg. 3(c)
Clause 6:	inserted by 21, 1994, reg. 3(d)
Regulation 12:	varied by 197, 1992, reg. 3