

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;
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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.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 28 August 2008

No 232 of 2008

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