

SOUTH AUSTRALIA

**ENVIRONMENT PROTECTION (BEVERAGE CONTAINER)
REGULATIONS 1995**

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REGULATIONS UNDER THE ENVIRONMENT PROTECTION ACT 1993

Environment Protection (Beverage Container) Regulations 1995

being

No. 41 of 1995: *Gaz.* 27 April 1995 p. 1658¹

as varied by

No. 112 of 1997: *Gaz.* 13 May 1997, p. 1931²

No. 102 of 1998: *Gaz.* 28 May 1998, p. 2412³

¹ Came into operation 1 May 1995: reg. 2.

² Came into operation 1 July 1997: reg. 2.

³ Came into operation 1 July 1998: reg. 2.

N.B. The amendments effected to these regulations by Regulation No. 103 of 1999 had not been brought into operation at the date of, and have not been included in, this consolidation.

Citation

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

Commencement

2. These regulations will come into operation on the day on which the Act comes into operation.

Interpretation

3. In these regulations—

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

"**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 65 of the Act, water is declared to be a beverage.

Refund amounts

5. 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.

Wine-based beverage prescribed percentage of alcohol

6. 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.

Containers exempted from Division 2 of Part 8 of Act

7. 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.

Exemption for containers with higher refund amount

8. 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.

Fee

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

Prohibited containers

10. 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.

4.

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. Glass containers used for the purpose of containing alcoholic and non-alcoholic ciders.
2. 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.
3. 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.
4. Containers constructed of plastic or foil or plastic and foil (commonly known as sachets) containing at least 250 millilitres of wine.
5. Any containers containing more than 3 litres of beverage.
6. 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.

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) | \$53.00 |

5.

APPENDIX

LEGISLATIVE HISTORY

Schedule 3
Clause 2:

varied by 112, 1997, reg. 3; 102, 1998, reg. 3