

As in force at 1 January 2003.

South Australia

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

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

No. 103 of 1999: *Gaz.* 27 May 1999, p. 2908⁴

No. 112 of 2000: *Gaz.* 25 May 2000, p. 2820⁵

No. 55 of 2001: *Gaz.* 31 May 2001, p. 1961⁶

No. 55 of 2002: *Gaz.* 20 June 2002, p. 2520⁷

No. 277 of 2000: *Gaz.* 30 November 2000, p. 3400⁸

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.

⁴ Came into operation 1 July 1999: reg. 2.

⁵ Came into operation 1 July 2000: reg. 2.

⁶ Came into operation 1 July 2001: reg. 2.

⁷ Came into operation 1 July 2002: reg. 2.

⁸ **Came into operation 1 January 2003: reg. 2**

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last consolidation.*
- *For the legislative history of the regulations see Appendix.*

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LEGISLATIVE HISTORY

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*;

"**flavoured milk**" means milk to which flavouring has been added;

"**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 one 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 fruit juice**" means a liquid at least 90 per cent of which is fruit juice or vegetable juice or a mixture of fruit and vegetable juices;

"**soft drink**" means all kinds of drinks that do not include alcohol except—

- (a) water; and
- (b) milk; and
- (c) pure fruit juice;

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

Beverages

4. Pursuant to section 65 of the Act, the following liquids intended for human consumption by drinking are declared to be beverages for the purposes of Division 2 Part 8 of the Act:

- (a) water; and
- (b) flavoured milk; and
- (c) pure fruit juice; and
- (d) non-carbonated soft drinks.

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.

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. Any containers used for the purpose of containing 1 litre or more of flavoured milk.
2. Any containers used for the purpose of containing 1 litre or more of pure fruit juice.
3. 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 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) used for the purpose of containing at least 250 millilitres of wine.
5. Any containers used for the purpose of containing more than 3 litres of beverage.

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Schedule 3—Fees

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|----|--|---------|
| 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) | \$60.00 |

APPENDIX**LEGISLATIVE HISTORY**

(entries in bold type indicate amendments incorporated since the last consolidation)

Regulation 3:	definitions of "flavoured milk", "milk", "pure fruit juice" and "soft drink" inserted by 277, 2000, reg. 3
Regulation 4:	substituted by 277, 2000, reg. 4
Schedule 2	
Clause 1:	substituted by 277, 2000, reg. 5(a)
Clause 2:	substituted by 277, 2000, reg. 5(b)
Clause 3:	varied by 277, 2000, reg. 5(c)
Clause 4:	varied by 277, 2000, reg. 5(d)
Clause 5:	varied by 277, 2000, reg. 5(e)
Clause 6:	revoked by 277, 2000, reg. 5(f)
Schedule 3	
Clause 2:	varied by 112, 1997, reg. 3; 102, 1998, reg. 3; 103, 1999, reg. 3; 112, 2000, reg. 3; 55, 2001, reg. 3; 55, 2002, reg. 3