NORTHERN TERRITORY OF AUSTRALIA

ENVIRONMENT PROTECTION (BEVERAGE CONTAINERS AND PLASTIC BAGS) REGULATIONS 2011

As in force at 1 July 2026

Table of provisions

Part 1 Preliminary matters

1 Citation 1
2 Definitions 1

Part 1A Container deposit scheme

2C Refund amount 2
2D Approved refund marking 2
2E Excluded beverages 2
2F Containers exempted from CDS 3
2FA Payment of refund amount from reverse vending machine 3
2FB Limitation on sorting empty permitted containers by material type 3
2G Annual return 4

Part 2 Plastic bags

3 Australian standard 4
4 Prohibition day 4
5 Notice to be displayed 4

Part 3 Infringement notice offences

7 Infringement notice offence and prescribed amount payable 4
8 When infringement notice may be given 5
9 Contents of infringement notice 5
10 Electronic payment and payment by cheque 6
10A Expiation of offence 6
11 Withdrawal of infringement notice 6
12 Effect of Part 6

Part 4 Transitional matters

Division 1 Transitional matter for Environment Protection (Beverage Containers and Plastic Bags) Amendment Regulations 2011

13 Approved refund marking 7

Division 2 Transitional matter for Environment Protection (Beverage Containers and Plastic Bags) Legislation Amendment (Expansion of CDS and Other Matters) Act 2025

14 Transition periods for displaying approved refund marking on containers new to CDS 7

Schedule Infringement notice offences and prescribed amounts

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2026

ENVIRONMENT PROTECTION (BEVERAGE CONTAINERS AND PLASTIC BAGS) REGULATIONS 2011

Regulations under the *Environment Protection (Beverage Containers and Plastic Bags) Act 2011*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011*.

2 Definitions

In these Regulations:

cordial means concentrated syrup that:

(a) contains the following ingredients (whether or not it also contains other ingredients):

(i) water;

(ii) a sweetener (whether natural or artificial);

(iii) colouring or flavouring, or both (whether natural or artificial); and

(b) is intended to be diluted before consumption.

health tonic means a liquid:

(a) included in the Australian Register of Therapeutic Goods under the *Therapeutic Goods Act 1989* (Cth); and

(b) supplied with a label or other accompanying document stating:

(i) the liquid is for medicinal purposes; and

(ii) a recommended maximum dosage.

infringement notice, for Part 3, see regulation 8.

infringement notice offence, for Part 3, see regulation 7(1).

prescribed amount, for Part 3, see regulation 7(2).

Part 1A Container deposit scheme

2C Refund amount

For the definition ***refund amount*** in section 4 of the Act, the refund amount for a permitted container is $0.10.

2D Approved refund marking

(1) For the definition ***approved refund marking*** in section 4 of the Act, an approved refund marking for a regulated container is a mark or label that clearly and legibly states:

(a) "10c refund at collection depots when sold in NT"; or

(b) "10c refund at SA/NT collection depots in State/Territory of purchase"; or

(c) "10c refund at collection depots/points in participating State/Territory of purchase".

Note for subregulation (1)(c)

The 10c refund is payable only by an operator of an approved collection depot. The approved refund marking mentions "collection points" because that term is used instead of "collection depots" in New South Wales.

(2) However, for subregulation (1)(a), it is irrelevant if the marking reads "Northern Territory" instead of "NT".

2E Excluded beverages

For section 7(2) of the Act, each of the following liquids is not a beverage:

(a) concentrated fruit or vegetable juice, or a mixture of concentrated fruit and vegetable juices, intended to be diluted before consumption;

(b) a health tonic;

(c) cordial.

2F Containers exempted from CDS

For section 9 of the Act, the CDS does not apply to containers used for containing more than 3 L of beverage.

2FA Payment of refund amount from reverse vending machine

(1) This regulation applies to the operator of a collection depot if:

(a) the collection depot is a reverse vending machine; and

(b) under the collection approval for the machine, the operator is authorised to pay refund amounts from the machine in the way provided in this regulation.

(2) For section 19(3) of the Act, a refund amount may be paid to the person delivering the container:

(a) by issuing to the person a redeemable voucher for the refund amount; or

(b) by crediting the refund amount to a recognised account nominated by the person.

(3) Subregulation (2) has effect subject to any conditions imposed on the collection approval for the reverse vending machine that limit the way in which the operator may pay refund amounts.

(4) In this regulation:

recognised account means:

(a) an account at a bank or other ADI; or

(b) an account with a provider of goods or services, the balance of which may be withdrawn as cash.

*Example for definition **recognised account**, paragraph (b)*

An account with a retailer accessible through the use of a swipe card that is issued by the retailer and swiped through the reverse vending machine when the container is deposited to credit the refund amount to the account.

redeemable voucher means a voucher that may be redeemed for the refund amount in cash (whether or not it may instead be redeemed as payment for goods or services).

2FB Limitation on sorting empty permitted containers by material type

For section 24C(c) of the Act, the prescribed number of material types is 9.

2G Annual return

For section 44(1) of the Act, 1 September in each year is prescribed.

Part 2 Plastic bags

3 Australian standard

The Australian Standard for the definition ***biodegradable bag*** in section 52 of the Act is AS 4736–2006 (Biodegradable plastics – Biodegradable plastics suitable for composting and other microbial treatment).

4 Prohibition day

For the definition ***prohibition day*** in section 53(2) of the Act, 1 September 2011 is prescribed.

5 Notice to be displayed

(1) For section 56(1)(b) of the Act, the retailer must display, in a prominent position at each place in the premises where the retailer makes a prohibited plastic bag available, a notice that:

(a) subject to subregulation (2), is not less than 95 mm in height and 150 mm in width; and

(b) includes the following statement in legible letters:

The Territory Government is banning the supply of lightweight, single use, non-biodegradable plastic bags from 1 September 2011. Alternative bags are available from this retail outlet.

(2) The requirement in subregulation (1)(a) does not apply to a notice in electronic form.

Part 3 Infringement notice offences

7 Infringement notice offence and prescribed amount payable

(1) An ***infringement notice offence*** is an offence against a provision specified in the Schedule.

(2) The ***prescribed amount*** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in the Schedule.

8 When infringement notice may be given

If an authorised officer believes on reasonable grounds that a person has committed an infringement notice offence, the officer may give a notice (an ***infringement notice***) to the person.

9 Contents of infringement notice

(1) The infringement notice must specify the following:

(a) the name and address of the person to whom it is issued, if known;

(b) the date the infringement notice is given to the person;

(c) the date and time of the infringement notice offence and the place at which the infringement notice offence occurred;

(d) a description of the offence;

(e) the prescribed amount payable for the offence;

(f) the enforcement agency to which the prescribed amount is payable.

(2) The infringement notice must include a statement to the effect of the following:

(a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;

(b) the person may elect to have the offence dealt with by a court by:

(i) completing a statement of election and giving it to the specified enforcement agency; and

(ii) not paying the prescribed amount;

(c) if the *Fines and Penalties (Recovery) Act 2001* applies to the infringement notice offence – enforcement action may be taken under that Act if the person does nothing in response to the notice.

(3) The infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b)(i).

10 Electronic payment and payment by cheque

(1) If the person uses electronic means to pay the prescribed amount, payment is not effected until the amount is credited to the payee's bank account.

(2) If the person tenders a cheque in payment of the prescribed amount, payment is not effected unless the cheque is cleared on first presentation.

10A Expiation of offence

If the prescribed amount for the infringement notice offence is paid in accordance with the infringement notice, the alleged offence is expiated and no further proceedings can be taken in relation to the offence.

11 Withdrawal of infringement notice

(1) The CEO may withdraw the infringement notice by written notice given to the person.

(2) The notice must be given:

(a) within 28 days after the infringement notice is given to the person; and

(b) before payment of the prescribed amount.

12 Effect of Part

(1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.

(2) This Part does not:

(a) require an infringement notice to be given; or

(b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or

(c) prevent more than one infringement notice for the same offence being given to a person.

(3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

Part 4 Transitional matters

Division 1 Transitional matter for Environment Protection (Beverage Containers and Plastic Bags) Amendment Regulations 2011

13 Approved refund marking

(1) For the definition ***approved refund marking*** in section 4 of the Act, the following approved refund marking under Part 8, Division 2 of the *Environment Protection Act 1993* (SA) for a container is taken to be an approved refund marking for a regulated container of the same type until 30 June 2014:

"10c refund at collection depots when sold in SA".

(2) For subregulation (1), it is irrelevant if the marking reads "South Australia" instead of "SA".

Division 2 Transitional matter for Environment Protection (Beverage Containers and Plastic Bags) Legislation Amendment (Expansion of CDS and Other Matters) Act 2025

14 Transition periods for displaying approved refund marking on containers new to CDS

(1) During the period of 2 years after the commencement, a class 1 container that does not bear the approved refund marking for a regulated container is taken to bear the marking.

(2) During the period of 12 months after commencement, a class 2 container that does not bear the approved refund marking for a regulated container is taken to bear the marking.

(3) In this regulation:

class 1 container means a class of container mentioned in regulation 2F(a) as in force immediately before the commencement.

class 2 container means a class of container mentioned in regulation 2F(b), (c), (d), (f) or (g) as in force immediately before the commencement.

commencement means the commencement of Part 3 of the *Environment Protection (Beverage Containers and Plastic Bags) Legislation Amendment (Expansion of CDS and Other Matters) Act 2025*.

Schedule Infringement notice offences and prescribed amounts

regulation 7

Item	Provision of Act	Prescribed amount in penalty units
1	sections 13(4) and 14(2)	2
2	section 17(4) and (6)	1
3	sections 20A(3) and 20B(4) and (5)	2
4	section 41P(1)	1
5	section 42(1)	2
6	sections 43(1) and 44(1)	1
7	sections 45(2), 55(1), 56(1) and 57(1)	2

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Environment Protection (Beverage Containers and Plastic Bags) Regulations* (SL No. 10, 2011)**

Notified	13 April 2011
Commenced	1 May 2011 (r 2, s 2 *Environment Protection (Beverage Containers and Plastic Bags) Act 2011* (Act No. 2, 2011) and *Gaz* G15, 13 April 2011, p 11)

***Environment Protection (Beverage Containers and Plastic Bags) Amendment Regulations 2011* (SL No. 32, 2011)**

Notified	27 July 2011
Commenced	3 January 2012 (r 2, s 2 *Environment Protection (Beverage Containers and Plastic Bags) Act 2011* (Act No. 2, 2011) and *Gaz* S71, 12 December 2011)

***Environment Protection (Beverage Containers and Plastic Bags) Amendment Regulations (No. 2) 2011* (SL No. 44, 2011)**

Notified	30 August 2011
Commenced	r 5: 30 August 2011; rem: 3 January 2012 (r 3, r 2 *Environment Protection (Beverage Containers and Plastic Bags) Amendment Regulations 2011* (SL No. 32, 2011), s 2 *Environment Protection (Beverage Containers and Plastic Bags) Act 2011* (Act No. 2, 2011) and *Gaz* S71, 12 December 2011)

Environment Protection (Beverage Containers and Plastic Bags) Amendment Regulations (No. 3) 2011 **(SL No. 49, 2011)**

Notified	23 November 2011
Commenced	3 January 2012 (r 2, r 3 *Environment Protection (Beverage Containers and Plastic Bags) Amendment Regulations (No. 2) 2011* (SL No. 44, 2011), r 2 *Environment Protection (Beverage Containers and Plastic Bags) Amendment Regulations 2011* (SL No. 32, 2011), s 2 *Environment Protection (Beverage Containers and Plastic Bags) Act 2011* (Act No. 2, 2011) and *Gaz* S71, 12 December 2011)

Environment Protection (Beverage Containers and Plastic Bags) Amendment Regulations (No. 4) 2011 **(SL No. 55, 2011)**

Notified	20 December 2011
Commenced	3 January 2012 (r 2, r 2 *Environment Protection (Beverage Containers and Plastic Bags) Amendment Regulations (No. 3) 2011* (SL No. 49, 2011), r 3 *Environment Protection (Beverage Containers and Plastic Bags) Amendment Regulations (No. 2) 2011* (SL No. 44, 2011), r 2 *Environment Protection (Beverage Containers and Plastic Bags) Amendment Regulations 2011* (SL No. 32, 2011), s 2 *Environment Protection (Beverage Containers and Plastic Bags) Act 2011* (Act No. 2, 2011) and *Gaz* S71, 12 December 2011)

Environment Protection (Beverage Containers and Plastic Bags) Amendment Regulations 2013 **(SL No. 33, 2013)**

Notified	4 September 2013
Commenced	4 September 2013

Environment Protection (Beverage Containers and Plastic Bags) Legislation Amendment Act 2014 **(No. 17, 2014)**

Assent date	2 June 2014
Commenced	ss 9 (to extent it ins s 20), 11 (to extent it ins s 24C), 20 (to extent it ins s 101) and 25: 1 January 2017 (*Gaz* G51, 21 December 2016, p 11); rem: 30 June 2014 (*Gaz* S46, 30 June 2014)

Environment Protection (Beverage Containers and Plastic Bags) Amendment Regulations 2018 **(SL No. 4, 2018)**

Notified	2 March 2018
Commenced	2 March 2018

Statute Law Amendment (Territory Economic Reconstruction) Act 2021 **(Act No. 19, 2021)**

Assent date	31 August 2021
Commenced	pt 6: 2 October 2021; rem: 29 September 2021 (*Gaz* G39, 29 September 2021, p 1)

Statute Law Revision Act 2023 **(Act No. 4, 2023)**

Assent date	2 March 2023
Commenced	3 March 2023 (s 2)

***Environment Protection (Beverage Containers and Plastic Bags) Legislation Amendment (Expansion of CDS and Other Matters) Act 2025* (Act No. 28, 2025)**

Assent date	30 October 2025
Commenced	pt 3: 1 July 2026 (s 2(2) and *Gaz* G4, 26 February 2026, p 2); rem: 31 October 2025 (s 2(1))

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 2 and 9.

4 LIST OF AMENDMENTS

r 2	sub No. 32, 2011, r 4 amd No. 55, 2011, r 4; Act No. 28, 2025, ss 19 and 31
rr 2A – 2B	ins No. 32, 2011, r 4 rep Act No. 28, 2025, s 32
pt 1A hdg	ins No. 32, 2011, r 4
r 2C	ins No. 32, 2011, r 4 amd Act No. 4, 2023, s 23
r 2D	ins No. 32, 2011, r 4 amd No. 44, 2011, r 4; No. 49, 2011, r 4; No. 4, 2018, r 4; Act No. 19, 2021, s 64
r 2E	ins No. 32, 2011, r 4 amd No. 55, 2011, r 5
r 2F	ins No. 32, 2011, r 4 sub Act No. 28, 2025, s 33
r 2FA	ins No. 55, 2011, r 6 amd Act No. 17, 2014, s 24; Act No. 28, 2025, s 20
r 2FB	ins Act No. 17, 2014, s 25 amd Act No. 4, 2023, s 23
r 2G	ins No. 32, 2011, r 4
r 6	rep Act No. 28, 2025, s 21
r 7	amd No. 44, 2011, r 5
r 8	amd Act No. 28, 2025, s 22
rr 9 – 10	sub Act No. 28, 2025, s 23
r 10A	ins Act No. 28, 2025, s 23
r 11	amd Act No. 17, 2014, s 26; Act No. 28, 2025, s 24
r 12	amd Act No. 28, 2025, s 25
pt 4 hdg	ins No. 32, 2011, r 5
pt 4 div 1 hdg	ins Act No. 28, 2025, s 34
r 13	ins No. 32, 2011, r 5 sub No. 44, 2011, r 6 amd No. 33, 2013, r 3
pt 4 div 2 hdg	ins Act No. 28, 2025, s 35
r 14	ins Act No. 28, 2025, s 35
sch	sub No. 32, 2011, r 6 amd No. 44, 2011, r 7; Act No. 19, 2021, s 65 sub Act No. 28, 2025, s 26