

Serial 37

Environment Protection (Beverage Containers and Plastic Bags) Legislation  
Amendment (Expansion of CDS and Other Matters) Bill 2025

Mr Burgoyne

A Bill for an Act to amend the *Environment Protection (Beverage Containers  
and Plastic Bags) Act 2011* and the *Environment Protection (Beverage  
Containers and Plastic Bags) Regulations 2011*



NORTHERN TERRITORY OF AUSTRALIA

ENVIRONMENT PROTECTION (BEVERAGE CONTAINERS AND PLASTIC BAGS) LEGISLATION AMENDMENT (EXPANSION OF CDS AND OTHER MATTERS) ACT 2025

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Act No. [ ] of 2025

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2025

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An Act to amend the *Environment Protection (Beverage Containers and Plastic Bags) Act 2011* and the *Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011*

[Assented to [ ] 2025]  
[Introduced [ ] 2025]

10

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

15

This Act may be cited as the *Environment Protection (Beverage Containers and Plastic Bags) Legislation Amendment (Expansion of CDS and Other Matters) Act 2025*.

### 2 Commencement

20

- (1) This Act (except Part 3) commences on the day after the day on which the Administrator's assent to this Act is declared.
- (2) Subject to subsection (3), Part 3 commences on the day fixed by the Administrator by *Gazette* notice.
- (3) If a provision of Part 3 does not commence before 30 August 2027, it commences on that day.

**Part 2 Amendments to environment protection  
(beverage containers and plastic bags)  
legislation commencing on assent**

5

**Division 1 Environment Protection (Beverage Containers and  
Plastic Bags) Act 2011**

**3 Act amended**

This Division amends the *Environment Protection (Beverage Containers and Plastic Bags) Act 2011*.

**4 Section 4 amended (Definitions)**

10

(1) Section 4, definitions ***affected person*** and ***NT EPA***

*omit*

(2) Section 4

*insert*

**CEO** means the Chief Executive Officer.

15

(3) Section 4, definition ***regulated container***, note

*omit*

*Note*

*insert*

*Note for definition **regulated container***

20

(4) Section 4, definition ***review notice***, paragraph (c)

*omit, insert*

(c) the fact that an application may be made to NTCAT for review of the decision.

**5 Section 12 amended (Coordinator arrangement)**

25

Section 12(3), (4) and (5)(b)(ii)

*omit*

the Schedule

*insert*

Schedule 1

**6 Part 2, Division 7 replaced**

Part 2, Division 7

5 *repeal, insert*

**Division 7 Review of decisions**

**46 Review by NTCAT**

(1) NTCAT has jurisdiction to review a decision (a **reviewable decision**) of the CEO specified in Schedule 2.

10 (2) An **affected person** for a reviewable decision, is a person specified in Schedule 2 for the decision.

(3) An affected person for a reviewable decision may apply to NTCAT for review of the decision.

*Note for section 46*

15 *The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.*

**7 Section 49 amended (Minister or NT EPA may establish targets for reuse, recycling or other disposal of permitted containers)**

20 (1) Section 49, heading

*omit*

**or NT EPA**

(2) Section 49(1)

*omit*

25 or NT EPA

(3) Section 49(1)(b)

*omit*

NT EPA's

*insert*

Agency's

(4) Section 49(3)

*omit*

5 NT EPA

*insert*

Minister

(5) Section 49(4)

*omit*

10 NT EPA

*insert*

CEO

**8 Section 49A amended (Guidelines)**

(1) Section 49A(1) and (2)

15 *omit*

NT EPA

*insert*

Minister

(2) Section 49A(2)

20 *omit*

its

*insert*

the Agency's

**9 Section 77 amended (Definitions)**

Section 77, definition ***declared provision***, paragraph (a)

*omit*

section 13(1) and (2)

5 *insert*

section 13(1), (3) and (4)

**10 Section 82 amended (Alternative verdicts)**

Section 82(2), Table

*omit, insert*

10 **Table Alternative verdicts**

<b>Item</b>	<b>Prosecuted offence</b>	<b>Alternative offence</b>
1	section 13(1)	section 13(4)
2	section 13(3)	section 13(4)
3	section 14(1)	section 14(2)

**11 Section 84 amended (Evidentiary certificate)**

(1) Section 84

*omit*

chairperson of the NT EPA

15 *insert*

CEO

(2) Section 84(b)

*omit*

glass

20 *insert*

permitted

**12 Section 86 inserted**

After section 85

*insert*

**86 Delegation**

- 5 (1) The Minister may delegate any of the Minister's powers and functions under this Act to the CEO.
- (2) The CEO may delegate any of the CEO's powers and functions under this Act to a public sector employee.

**13 Section 88 amended (Identity card)**

- 10 (1) Section 88(1)

*omit*

NT EPA

*insert*

CEO

- 15 (2) Section 88(2)(a)

*omit*

show

*insert*

display

- 20 (3) Section 88(2)(b)

*omit*

show

*insert*

state

- 25 (4) Section 88(2)(b)

*omit*

and expiry

**14 Section 91 amended (Protection from liability)**

Before section 91(1)(a)

*insert*

(aa) the CEO;

5 **15 Part 10 inserted**

After section 111

*insert*

10 **Part 10 Transitional matters for Environment Protection (Beverage Containers and Plastic Bags) Legislation Amendment (Expansion of CDS and Other Matters) Act 2025**

**112 Definitions**

In this Part:

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

***commencement*** means the day on which Part 2 of the amending Act commences.

20 ***NT EPA*** means the Northern Territory Environment Protection Authority established by section 6 of the *Northern Territory Environment Protection Authority Act 2012*.

**113 Continuation of ongoing documents and actions**

25 (1) On the commencement, an ongoing document continues with the same force and effect as if it had been issued by, or given to, the CEO.

(2) On the commencement, an ongoing action continues with the same force and effect as if it had been done by, or in relation to, the CEO.

(3) In this section:

**ongoing action** means an action or thing that:

- 5
- (a) was done by, or in relation to, the NT EPA before the commencement in or for the exercise of a power or performance of a function under this Act that, on the commencement, is conferred on the CEO; and
  - (b) immediately before the commencement, had ongoing effect.

**ongoing document** means a document that:

- 10
- (a) was issued by, or given to, the NT EPA before the commencement in or for the exercise of a power or performance of a function under this Act that, on the commencement, is conferred on the CEO; and
  - (b) immediately before the commencement, had ongoing effect.

**114 NTCAT review limited to decisions made after commencement**

15 Section 46, as inserted by section 6 of the amending Act, applies only in relation to a reviewable decision that is made after the commencement.

**115 Applications for review not made before commencement**

- 20
- (1) This section applies to a person if, immediately before the commencement, the person:
    - (a) was entitled to make an application to the Local Court for review of a decision under section 46 as in force before the commencement; and
    - (b) had not yet made an application for review of the decision.
  - 25 (2) The person may apply to the Local Court for review of the decision in accordance with section 46 as in force before the commencement.
  - 30 (3) Subject to section 117, the Local Court must hear and decide the person's application in accordance with sections 47 and 48 as in force before the commencement.

**116 Applications for review not determined before commencement**

(1) Subsection (2) applies in relation to an application to the Local Court for review of a decision that:

5 (a) was made by a person under section 46 as in force before the commencement; and

(b) had not been finally determined by the Local Court before the commencement.

10 (2) Subject to section 117, the Local Court must continue to hear and decide the person's application in accordance with sections 47 and 48 as in force before the commencement.

**117 Referral of matters to CEO on reviews determined after commencement**

15 (1) If a decision of the Local Court on a review referred to in section 115(3) or 116(2) would require the matter that is the subject of the review to be referred to the NT EPA to be reconsidered in accordance with the Court's directions, the Court:

(a) must instead refer the matter to the CEO for reconsideration; and

20 (b) may make any orders and give any directions that it considers appropriate to facilitate the referral of the matter to the CEO instead of the NT EPA.

25 (2) For the reconsideration of the referred matter, the CEO may make any decision under the Act as in force before the commencement that could have been made by the NT EPA in accordance with the Local Court's directions if the matter had been referred to it.

**118 Judicial notice and evidentiary certificates**

30 Despite the amendments to sections 83 and 84 made by the amending Act, sections 83 and 84, as in force immediately before the commencement, continue to apply in relation to a document signed by the chairperson of the NT EPA before the commencement.

**16 Schedule 2 inserted**

After the Schedule

*insert*

**Schedule 2 Reviewable decisions**

5

section 46

<b>Item</b>	<b>Reviewable decision</b>	<b>Affected person</b>
1	A decision under section 23 not to grant a CDS approval	The applicant for the CDS approval
2	A decision under sections 23 and 24(d) to grant a CDS approval subject to conditions imposed by the CEO	The applicant for the CDS approval
3	A decision under section 23 and with reference to section 27(2) not to grant a renewal of a CDS approval	The applicant for the renewal of the CDS approval
4	A decision under sections 23 and 24(d) and with reference to section 27(2) to renew a CDS approval subject to conditions imposed by the CEO	The applicant for the renewal of the CDS approval
5	A decision under section 30(1) to vary the conditions of a CDS approval	The holder of the CDS approval
6	A decision under section 30(1) and with reference to section 41H to vary the conditions of a CDS supplier's registration	The CDS supplier
7	A decision under section 33 or 35 to refuse to grant an application to vary the conditions of a CDS approval	The holder of the CDS approval
8	A decision under section 33 or 35 and with reference to section 41H to refuse to grant an application to vary the conditions of a CDS supplier's registration	The CDS supplier
9	A decision under section 41(2) to suspend or cancel a CDS approval	The holder of the CDS approval

Part 2	Amendments to environment protection (beverage containers and plastic bags) legislation commencing on assent
Division 2	Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011

Item	Reviewable decision	Affected person
10	A decision under section 41C not to grant registration	The applicant for registration
11	A decision under sections 41C and 41D(1)(g) to grant registration subject to conditions imposed by the CEO	The applicant for registration
12	A decision under section 41C and with reference to section 41G(2) not to grant a renewal of registration	The applicant for the renewal of registration
13	A decision under sections 41C and 41D(1)(g) and with reference to section 41G(2) to grant a renewal of registration subject to conditions imposed by the CEO	The applicant for the renewal of registration
14	A decision under section 41(2) and with reference to section 41L(1) to suspend or cancel a CDS supplier's registration	The CDS supplier

#### **17 Act further amended**

The Schedule has effect.

### **Division 2 Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011**

#### **5 18 Regulations amended**

This Division amends the *Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011*.

#### **19 Regulation 2 amended (Definitions)**

Regulation 2

10 *insert*

***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).

**20 Regulation 2FA amended (Payment of refund amount from reverse vending machine)**

(1) Regulation 2FA(1)

*omit, insert*

5 (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.

10 (2) Regulation 2FA(3)

*omit*

depot

*insert*

reverse vending machine

15 (3) Regulation 2FA(4), definition **recognised account**, paragraph (b)

*omit, insert*

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

(4) Regulation 2FA(4), definition **recognised account**, example

20 *omit*

*Example*

*insert*

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

**21 Regulation 6 repealed (Definitions)**

25 Regulation 6

*repeal*

**22 Regulation 8 amended (When infringement notice may be given)**

Regulation 8

*omit*

5 reasonably believes

*insert*

believes on reasonable grounds that

**23 Regulations 9 and 10 replaced**

Regulations 9 and 10

10 *repeal, insert*

**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;

15 (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;

20 (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:

25 (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

5 (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.

10 (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

15 (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.

## 20 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.

## 25 24 Regulation 11 amended (Withdrawal of infringement notice)

Regulation 11(1)

*omit*

NT EPA

*insert*

30 CEO

Part 2 Amendments to environment protection (beverage containers and plastic bags) legislation commencing on assent  
 Division 2 Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011

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**25 Regulation 12 amended (Application of Part)**

(1) Regulation 12, heading

*omit, insert*

**12 Effect of Part**

5 (2) Regulation 12(2)

*omit*

Also, this

*insert*

This

10 **26 Schedule replaced**

Schedule

*repeal, insert*

**Schedule Infringement notice offences and prescribed amounts**

15

regulation 7

---

<b>Item</b>	<b>Provision of Act</b>	<b>Prescribed amount in penalty units</b>
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

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**Part 3 Amendments to environment protection  
(beverage containers and plastic bags)  
legislation commencing on later date**

5 **Division 1 Environment Protection (Beverage Containers and  
Plastic Bags) Act 2011**

**27 Act amended**

This Division amends the *Environment Protection (Beverage Containers and Plastic Bags) Act 2011*.

10 **28 Section 18 amended (Acceptance of empty permitted  
containers by operator of collection depot)**

Section 18(4)(c)

*omit*

**29 Section 20 amended (Acceptance of and payment for empty  
permitted containers by CDS coordinator)**

15 (1) Section 20(2)(b)

*omit*

contaminated;

*insert*

contaminated.

20 (2) Section 20(2)(c)

*omit*

(3) Section 20(3)

*omit*

to (c)

25 *insert*

or (b)

Part 3	Amendments to environment protection (beverage containers and plastic bags) legislation commencing on later date
Division 2	Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011

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**Division 2            Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011**

**30            Regulations amended**

5            This Division amends the *Environment Protection (Beverage Containers and Plastic Bags) Regulations 2011*.

**31            Regulation 2 amended (Definitions)**

10            Regulation 2, definitions ***flavoured milk, Food Standards Code, glass container, milk, spiritous liquor, wine*** and ***wine-based beverage***

*omit*

**32            Regulations 2A and 2B repealed**

Regulations 2A and 2B

*repeal*

**33            Regulation 2F replaced**

15            Regulation 2F

*repeal, insert*

**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.

20            **34            Part 4, Division 1 heading inserted**

Before regulation 13

*insert*

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

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**35 Part 4, Division 2 inserted**

After regulation 13

*insert*

5 **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**

10 (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.

15 (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.

20 **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.

25 **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*.

**Part 4 Repeal of Act**

**36 Repeal of Act**

This Act is repealed on the day after it commences.

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**Schedule Act further amended**

section 17

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 20A(6)(a)	NT EPA	Minister
section 20A(6)(a), note	<i>NT EPA</i>	<i>Minister</i>
section 20B(1)(e) and (4)	NT EPA	Minister
section 21(1)(a) and (b)(iii)	NT EPA	CEO
section 22, heading	<b>NT EPA</b>	<b>CEO</b>
sections 22, 23(1) and (2), 24(b) and (d), 25(1), (3) and (4) and 29, definition <b>condition</b>	NT EPA <i>(all references)</i>	CEO
section 30, heading	<b>NT EPA's</b>	<b>CEO's</b>
sections 30(1), (2) and (3) and 31(1) and (2)(b)	NT EPA <i>(all references)</i>	CEO
section 32, heading	<b>NT EPA</b>	<b>CEO</b>
sections 32, 33(1) and (2), 34(1) and (2), 35, 37(e), 38(1) and (2)(a), 39(1) and (2), 40, 41(1)(a), (2) and (3) and 41A(1)	NT EPA <i>(all references)</i>	CEO
section 41B, heading	<b>NT EPA</b>	CEO
sections 41B, 41C(1) and (2), 41D(1)(d), (e), (f) and (g) and 41E(1) and (2)	NT EPA <i>(all references)</i>	CEO
section 41E(1), note	<i>NT EPA</i> <i>(all references)</i>	CEO

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
sections 41J, 41K(d) and (f), 41L(1), (2) and (3), 41M(1) and (3), 41N(1) and (3), 41P(1), 44(1), (3) and (6) and 45(1)	NT EPA ( <i>all references</i> )	CEO
section 64(1)	reasonably believes	believes on reasonable grounds that
section 66(2)(b)	reasonably believes	believes on reasonable grounds
section 67(1)	reasonably believes	believes on reasonable grounds that
sections 67(4) and 68(a)	NT EPA	CEO
section 83	chairperson of the NT EPA	CEO
sections 85, 87(2) and (3), 90(1) and 92(1)	NT EPA	CEO
Schedule, heading, after " <b>Schedule</b> "		<b>1</b>
Schedule, clause 8(3)	reasonably believes	believes on reasonable grounds that