

NORTHERN TERRITORY OF AUSTRALIA

ENVIRONMENT PROTECTION (BEVERAGE CONTAINERS AND PLASTIC BAGS) AMENDMENT REGULATIONS 2011

Subordinate Legislation No. 32 of 2011

Table of provisions

1	Citation	2
2	Commencement	2
3	Regulations amended.....	2
4	Regulation 2 replaced.....	2
	2 Definitions	
	2A Meaning of <i>spiritous liquor</i>	
	2B Meaning of <i>wine</i>	
	Part 1A Container deposit scheme	
	2C Refund amount	
	2D Approved refund marking	
	2E Excluded beverages	
	2F Exempted containers	
	2G Annual return	
5	Part 4 inserted	5
	Part 4 Transitional matters	
	13 Approved refund marking	
6	Schedule replaced.....	5
	Schedule Infringement notice offences and prescribed amounts	



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 32 of 2011*

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

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Environment Protection (Beverage Containers and Plastic Bags) Act*.

Dated 18 July 2011

T. I. PAULING
Administrator

By His Honour's Command

C. B. BURNS
Minister for Business and Employment
acting for
Minister for Natural Resources, Environment and Heritage

* Notified in the *Northern Territory Government Gazette* on 27 July 2011.

1 Citation

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

2 Commencement

These Regulations commence on the commencement of Part 2 of the *Environment Protection (Beverage Containers and Plastic Bags) Act*.

3 Regulations amended

These Regulations amend the *Environment Protection (Beverage Containers and Plastic Bags) Regulations*.

4 Regulation 2 replaced

Regulation 2

repeal, insert

2 Definitions

In these Regulations:

flavoured milk means milk to which flavouring has been added.

Food Standards Code, see section 6 of the *Food Act*.

glass container means a container made of glass whether alone or in combination with anything else.

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.

milk means an animal's milk, soy milk, rice milk or coconut milk, and includes, for example, 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.

spiritous liquor, see regulation 2A.

wine, see regulation 2B.

wine-based beverage means a pre-mixed beverage containing:

- (a) wine and another beverage that is not a grape product; and
- (b) less than 10% alcohol by volume at 20°C.

2A Meaning of *spiritous liquor*

- (1) A ***spiritous liquor*** is a liqueur or other alcoholic beverage produced by distillation.

Examples for subregulation (1)

Brandy, gin, rum, vodka and whisky.

- (2) However, a pre-mixed beverage containing a beverage mentioned in subregulation (1) and another beverage is not a spiritous liquor.

2B Meaning of *wine*

- (1) ***Wine*** is:

- (a) a beverage produced by fermentation of grapes (whether or not with additives permitted under the Food Standards Code); or
- (b) a beverage that is a blend of a beverage mentioned in paragraph (a) and other grape products.

- (2) However, a pre-mixed beverage containing a beverage mentioned in subregulation (1)(a) or (b) and another beverage that is not a grape product is not wine.

Part 1A Container deposit scheme

2C Refund amount

For the definition ***refund amount*** in section 4 of the Act, the refund amount for an approved 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, in accordance with this regulation, clearly and legibly states "10c refund at collection depots when sold in NT".
- (2) The number "10" in the text of the mark or label must be at least 3 mm in height.
- (3) In addition, the rest of the text of the mark or label must be at least 1.5 mm in height.
- (4) Also, there must be at least 3 mm of clear space around the approved refund marking.

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 with water before consumption;
- (b) a health tonic.

2F Exempted containers

For section 9 of the Act, the CDS does not apply to containers of the following classes:

- (a) glass containers used for containing wine or spiritous liquor;
- (b) containers used for containing milk (other than flavoured milk);
- (c) containers used for containing 1 L or more of flavoured milk;
- (d) containers used for containing 1 L or more of pure juice (comprising at least 90% fruit or vegetable juice or a mixture of fruit and vegetable juices);
- (e) containers used for containing more than 3 L of beverage;
- (f) containers made of cardboard and plastic, cardboard and foil or cardboard, plastic and foil (commonly known as casks or aseptic packs) used for containing 1 L or more of wine, wine-based beverage or water (including mineral water and spring water);

-
- (g) containers made of plastic or foil or plastic and foil (commonly known as sachets) used for containing 250 ml or more of wine.

2G Annual return

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

5 Part 4 inserted

After regulation 12

insert

Part 4 Transitional matters

13 Approved refund marking

For the definition ***approved refund marking*** in section 4 of the Act, an 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 31 December 2013.

Note for regulation 13

On the commencement of this regulation, the approved refund marking under the South Australian Act is "10c refund at collection depots when sold in SA".

6 Schedule replaced

Schedule

repeal, insert

Schedule Infringement notice offences and prescribed amounts

regulation 7

sections 13(2) and 14(2) of Act	2
sections 17(4) and (6), 43(1) and 44(1) of Act	1
sections 45(2), 55(1), 56(1) and 57(1) of Act	2