

NORTHERN TERRITORY OF AUSTRALIA

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

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Subordinate Legislation No. 32 of 2011

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Subordinate Legislation No. 32 of 2011\*

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## ***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

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

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## 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.

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## **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);

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- (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