

29 June 2018

First conviction of its kind for container deposit breach

The Environment Protection Authority (EPA) has welcomed a decision in the Environment Development Court (ERD) for breach of the Container Deposit Legislation (CDL) in the first conviction of its kind.

A 36-year-old man from Broken Hill was convicted for presenting containers to a collection depot to claim a refund on non-compliant beverage containers.

He pleaded guilty to the charge and was fined a total of \$4,800. He was ordered to pay \$800 in prosecution costs, in addition to the \$160 victims of crime levy. He was also ordered to forfeit about 45,000 beverage containers to the EPA of which 19,000 were non-compliant.

In her remarks, Judge Cole highlighted that this is the first conviction recorded in South Australia for a person attempting to claim a refund on beverage containers purchased outside of the state.

“It was a dishonest, planned, course of conduct involving the placement of a newspaper advertisement and the sourcing of cans from numerous sources in a deliberate attempt to obtain a financial advantage in South Australia to which the defendant knew he was not entitled,” she said.

The EPA was notified of the attempt to unlawfully claim a refund from the containers after the man approached a South Australian collection depot.

The man was turned away from the collection depot and reported to the EPA.

EPA Manager Investigations Steve Barry said the convictions serve as a warning to those trying to unlawfully claim refunds on containers that are not part of the South Australian container deposit scheme.

“Attempting to obtain a refund for non-funded containers is not only illegal and dishonest but also threatens the viability of South Australia’s CDL system,” he said.

This is the second conviction relating to a container deposit breach in just over 12 months with a landmark victory recorded in May last year when a number of suburban retailers within the Adelaide metropolitan area were convicted for illegally selling more than 10,000 drinks in non-compliant containers.

The EPA is responsible for managing container deposit legislation under the *Environment Protection Act 1993*, where clearly marked and authorised containers sold in South Australia, can be claimed for a 10 cent refund.

Beverage suppliers add an extra cost to their product to cover the refund which can be redeemed at South Australian collection depots when the empty container is returned for recycling.

South Australia is in its 41st year for its container deposit scheme.