

## Beverage container approval

Updated July 2018

EPA 954/18: This guideline is intended to assist applicants in completing the [Application for approval of class of container](#).

### Introduction

This guideline has been prepared as a supplement to, and should be used in conjunction with, the Application for Approval of Class of Container, pursuant to section 68 of the *Environment Protection Act 1993* (the Act).

South Australia operates a container deposit scheme where a 10-cent refund is available on certain empty beverage containers when the beverage is purchased in South Australia.

If the beverage container is covered by the *Beverage Container Provisions* of the Act, EPA approval is necessary before it is distributed or sold in South Australia. The EPA may request the removal of containers from the retail trade and prohibit further sales and/or other enforcement action may be taken, if beverage containers offered for sale do not comply with the requirements of the Act.

### Application

An application form must be completed, signed and approved by the EPA before the distribution and sale of containers in South Australia.

The following is required in support of the application:

- A sample of the container label displaying the approved refund statement. This may be a copy and may be submitted by facsimile or email, and must clearly show the refund statement in its actual size.
- If the container has a bar code please include a clear copy (including the identifying number) for each beverage listed on the application.
- If applying for approval of a Category B container (return container to a collection depot for a refund), written advice will be provided by the nominated super collector once the agreement is signed, to confirm that an effective and appropriate waste management arrangement is in place for the collection of the containers.
- Payment of the applicable fee, determined by the number of containers on the application. Refer to fee schedule at the end of this document.

### Waste management arrangement (WMA)

Pursuant to section 68(3)(iii) of the Act a WMA, 'in relation to containers of a particular class, means an arrangement for the collection, sorting and aggregation of containers of that class when empty and their reuse, recycling or other

disposal'. For Category B containers the WMA between the approval holder and the super collector must ensure that all sales into South Australia, whether directly or via an interstate distribution centre are declared to the super collector and accompanied by funds in accordance with requirements specified within the WMA. Failure to do so may result in enforcement action including revocation of the approval, the issue of expiations and/or removal of beverages from sale from retail outlets.

### **Category A—containers returned to 'points of sale'**

If intending to use the 'points of sale' option as the return mechanism for the containers, the applicant must make retailers that sell the beverage/s, aware of their obligation under the Act to refund the deposit and store the containers, irrespective of place of purchase and providing the containers were sold in South Australia. It is a condition of approval for this category that there is a suitable WMA in place for the empty containers to be retrieved from retail outlets and aggregated for reuse or recycling. The EPA will only consider approval of Category A containers if the applicant can provide evidence of a detailed and comprehensive arrangement to ensure that all retailers selling the approved beverages are willing to accept those empty containers for refund and store them until the containers are collected and appropriately recycled. (Disposal in kerbside or public place recycling is not appropriate.) Failure to adhere to the WMA may result in revocation of the approval.

### **Category B—containers returned to collection depots**

If intending to use the collection depot system for the return of containers, a WMA must be established and maintained for the payment of refunds to consumers and the aggregation of the empty containers for reuse or recycling. This is generally achieved by entering into a contractual arrangement with one of the approved 'super collectors'<sup>1</sup>. Contact details for the approved super collectors are provided within this document.

The EPA will also consider any alternative WMAs that satisfy the requirement of the legislation.

## **Conditions of approval**

If approval is granted, according to section 68(3)(a) of the Act, the following conditions will apply:

- 1 that containers of the class to which the approval relates must bear the refund marking specified by the Authority for containers of that class – the Authority specifies the following refund markings for Category B Containers:
  - a '10c refund at collection depots when sold in SA'
  - b '10c refund at SA/NT collection depots in State/Territory of purchase'
  - c '10c refund at collection depots/points in participating State/Territory of purchase'.
- 2 that the holder of the approval must have in place an effective and appropriate waste management arrangement in relation to containers of that class
- 3 in the case of an approval in relation to Category B containers—that the waste management arrangement must require the holder of the approval to provide specified super collectors with a declaration in the form determined by the Authority<sup>2</sup> in relation to each sale of such containers by the holder of the approval as soon as practicable after the sale.

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<sup>1</sup> Super collector means—(a) person who, whether personally or through an agent, collects, handles and delivers for reuse, recycling or other disposal, containers received from collection depots; or (b) a person who carries on activities of a kind prescribed by regulation.

<sup>2</sup> In relation to Category B containers, for the purpose of section 68(3)(a)(iii), 'a declaration in the form determined by the Authority' has been determined as the defined manner of sales declaration requirements contained within individual WMA's between approval holders and specified super collectors.

**And if a sticker is used to display the refund marking, the following condition will apply:**

- 4 the holder of this approval must ensure that the sticker bearing the approved refund marking is not placed on any portion of the opening mechanism or in any other place that would require complete or partial removal of the sticker before the contents may be consumed.

**Please note:** Sections 68(6) & (7) of the Act allows the EPA to vary or revoke the approval or any condition of approval, or impose a further condition of approval. The discontinuation of the waste management arrangement detailed in this application will be a trigger for revocation of the approvals.

**Refund markings**

It is recommended that samples of artwork be submitted to the EPA for appraisal and advice before the commencement of any printing or production. An original label is preferred but copies are acceptable if submitting by facsimile. Only the approved refund markings may be used and it should be clear and legible.

If using collection depots as the return mechanism the approved refund markings are:

**10c** refund at collection depots when sold in SA (or 'South Australia')

OR

**10c** refund at SA/NT collection depots in State/Territory of purchase

OR

**10c** refund at collection depots/points in participating State/Territory of purchase

If using 'points of sale' as the return mechanism the approved refund marking is:

**10c** refund at points of sale when sold in SA or (or 'South Australia')

The numeric '10' must be a **minimum of 3 mm**. The smallest letter in the wording must be a **minimum of 1.5 mm**. A minimum **3-mm 'free space' boundary** around the refund marking is recommended.

**Using a sticker**

If the container label does not have the refund marking printed on it a sticker with the refund marking printed on it may be used. The sticker must be firmly placed in an appropriate place on the container; not over the opening mechanism so that it is partially or completely removed when consumed.

**Give-away beverages**

The definition of 'sell' in the *Environment Protection Act 1993* includes:

- a supply on a gratuitous basis for commercial promotional purposes; and
- b offer or display for sale or such supply.

All beverages which are given away as samples or distributed for promotional purposes must be approved by the EPA to ensure that arrangements are in place for the provision of the refund and to ensure the containers are collected for recycling. This is regardless of the quantity of beverages.

## Prohibited containers

Section 72 of the Act specifically prohibits the sale of 'ring pull containers'. Ring pull containers are sealed containers made from metal, with ring pull opening devices that separate from the body of the container when opened.



## Application fees

The following fees apply to **new** applications for beverage container label approvals. Please note your application for approval will not proceed unless payment is made. The application fee is not refundable. If the required supporting information is not received by the EPA within a reasonable time, the application may be cancelled.

Description	Fee
Application with 1 label	\$307.50
Application with 2–5 labels	\$512.50
Application with 6–10 labels	\$758.50
Application with 11–20 labels	\$1,250.50
Application with more than 20 labels	\$2,234.50

## Payment options

Payment may be made by credit card, cheque or money order, and must be made at time of application. Refer to the application form for further details on how to pay.

## Contact details for industry super collectors

### Richard Byerlee

Statewide Recycling Pty Ltd  
PO Box 166  
KILKENNY SA 5009

Email: [richard.byerlee@statewiderecycling.com.au](mailto:richard.byerlee@statewiderecycling.com.au)

Telephone: 08 8341 2511

Facsimile: 08 8341 2494

### Gerry Doran

Marine Stores Pty Ltd  
18 Wilson Street  
ROYAL PARK SA 5014

Email: [gerry.doran@marinestores.com.au](mailto:gerry.doran@marinestores.com.au)

Telephone: 08 8447 6744

Facsimile: 08 8240 3766

### Scott Goldspink

Flagcan Distributors Pty Ltd  
c/- Gibson and Partners  
246 Brighton Rd  
SOMERTON PARK SA 5044

Email: [flagcan@gibsonpartners.com.au](mailto:flagcan@gibsonpartners.com.au)

Telephone: 08 8376 0555

Facsimile: 08 8376 0559

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## Northern Territory

The Northern Territory commenced its container deposit scheme (CDS) in January 2012. If you sell your beverages in the Northern Territory and require information on how to comply, email [cashforcontainers@nt.gov.au](mailto:cashforcontainers@nt.gov.au), or phone 1800 752 632. Please note, an approval granted in South Australia does not constitute an approval to sell beverages in the Northern Territory.

## Disclaimer

This publication is a guide only and does not necessarily provide adequate information in relation to every situation. This publication seeks to explain your possible obligations in a helpful and accessible way. In doing so, however, some detail may not be captured. It is important, therefore, that you seek information from the EPA itself regarding your possible obligations and, where appropriate, that you seek your own legal advice.

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## Further information

### Legislation

[Online legislation](#) is freely available. Copies of legislation are available for purchase from:

Service SA Government Legislation Outlet  
Adelaide Service SA Centre  
108 North Terrace  
Adelaide SA 5000

Telephone: 13 23 24  
Facsimile: (08) 8204 1909  
Website: <[shop.service.sa.gov.au](http://shop.service.sa.gov.au)>  
Email: <[ServiceSAcustomerservice@sa.gov.au](mailto:ServiceSAcustomerservice@sa.gov.au)>

### General information

Environment Protection Authority  
GPO Box 2607  
Adelaide SA 5001

Telephone: (08) 8204 2004  
Facsimile: (08) 8124 4670  
Freecall: 1800 623 445 (country)  
Website: <<https://www.epa.sa.gov.au>>  
Email: <[EPA.CDLteam@sa.gov.au](mailto:EPA.CDLteam@sa.gov.au)>

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## List of beverages covered by the Environment Protection Act 1993

The following chart should be used only as a guide to assist you in determining which beverages and containers are covered by the Beverage Containers Provisions of the Act (CDL). If in doubt, please contact the CDL Unit on telephone (08) 8204 1180 or email: [EPA.CDLteam@sa.gov.au](mailto:EPA.CDLteam@sa.gov.au).

In the chart below INCLUDED means the beverage is one which CDL applies to and EPA approval is required before the beverage container is sold in South Australia. EXEMPTED means the beverage container is not covered by CDL.

NON ALCOHOLIC BEVERAGES			
BEVERAGE TYPE	CONTAINER MATERIAL	CONTAINER SIZE	
		INCLUDED	EXEMPTED
<b>Carbonated soft drinks</b>	All	3 litres or less	Greater than 3 litres
<b>Non-carbonated, soft drinks</b> including (but not limited to) fruit juice based drinks (containing less than 90% juice), 'sports' drinks, 'vitamin' drinks, 'energy' drinks, ready to drink cordials	All	3 litres or less	Greater than 3 litres
<b>Water</b> —plain, still or carbonated spring water, mineral water and any other water intended for human consumption	Aseptic packs/casks (made from cardboard and/or plastic and/or foil)	Less than 1 litre	1 litre or more
	All other materials	3 litres or less	Greater than 3 litres
<b>Pure fruit/vegetable juice</b> – means a liquid containing at least 90% fruit juice and/or vegetable juice	ALL	Less than 1 litre	1 litre or more
<b>Flavoured milk</b> — milk to which flavour has been added (milk being cow's milk or the milk of any other animal, soy milk, ultra heat-treated milk, low-fat milk, etc)	ALL	Less than 1 Litre	1 litre or more
<ul style="list-style-type: none"> <li>• Plain, unflavoured milk</li> <li>• Concentrated fruit and/or vegetable juice intended to be diluted before consumption</li> <li>• Health tonic included on the Australian Register of Therapeutic Goods</li> <li>• Cordial (undiluted)</li> </ul>	ALL	NIL	ALL

ALCOHOLIC BEVERAGES			
BEVERAGE TYPE	CONTAINER MATERIAL	CONTAINER SIZE	
		INCLUDED	EXEMPTED
<b>Beers/ales/stouts</b>	ALL	3 litres or less	Greater than 3 litres
<b>Spirituos liquor</b> – a liqueur or other alcoholic beverage produced by distillation (eg: brandy, gin, rum, vodka, whisky)	Glass	NIL	ALL
	All other materials	3 litres or less	Greater than 3 litres
<b>Wine (straight wine)</b> – a beverage produced by the fermentation of grapes that contains only grapes and no other beverages.  Includes de-alcoholised wine (alcohol has been removed from the wine) but does not include non-alcoholic grape juice which has not undergone fermentation process.	Glass	NIL	ALL
	Aluminium	ALL	NIL
	Plastic	Less than 250 ml	250 ml or greater
	Sachets (plastic and/or foil)	Less than 250 ml	250 ml or greater
	Aseptic packs/casks (cardboard and/or plastic and/or foil)	Less than 1 litre	1 litre or more
<b>Flavoured alcoholic beverages with a wine base</b> – any beverage that contains wine plus additional beverages, ingredients or flavours. This can include (but is not limited to) fruit-flavoured wine, wine coolers, ready to drink alcoholic beverages (RTDs)	Aseptic packs/casks (cardboard and/or plastic and/or foil)	Less than 1 litre	1 litre or more
	All other materials	3 litres or less	Greater than 3 litres
<b>Alcoholic beverages</b> – derived from fruit or other substances (cider, alcoholic lemonade, plum wine, sake etc)	ALL	Up to and including 3 litres	Greater than 3 litres
<b>Flavoured alcoholic beverages with a spirit base</b> – any beverage that contains spirituous liquor plus additional beverages, ingredients or flavours. This can include (but is not limited to) 'alcopops', ready to drink alcoholic beverages (RTDs) and spirit-based beverages sold in casks	ALL	3 litres or less	Greater than 3 litres