

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

Act No. [] of 2025

Table of provisions

Part 1 Preliminary matters

1	Short title	1
2	Commencement	1

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

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

3	Act amended	2
4	Section 4 amended (Definitions).....	2
5	Section 12 amended (Coordinator arrangement)	2
6	Part 2, Division 7 replaced.....	3
	Division 7 Review of decisions	
	46 Review by NTCAT	
7	Section 49 amended (Minister or NT EPA may establish targets for reuse, recycling or other disposal of permitted containers).....	3
8	Section 49A amended (Guidelines).....	4
9	Section 77 amended (Definitions).....	5
10	Section 82 amended (Alternative verdicts)	5
11	Section 84 amended (Evidentiary certificate)	5
12	Section 86 inserted	6
	86 Delegation	
13	Section 88 amended (Identity card).....	6
14	Section 91 amended (Protection from liability)	7
15	Part 10 inserted	7
	Part 10 Transitional matters for Environment Protection (Beverage Containers and Plastic Bags) Legislation Amendment (Expansion of CDS and Other Matters) Act 2025	

	112	Definitions	
	113	Continuation of ongoing documents and actions	
	114	NTCAT review limited to decisions made after commencement	
	115	Applications for review not made before commencement	
	116	Applications for review not determined before commencement	
	117	Referral of matters to CEO on reviews determined after commencement	
	118	Judicial notice and evidentiary certificates	
16	Schedule 2 inserted		10
	Schedule 2	Reviewable decisions	
17	Act further amended		11

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

18	Regulations amended		11
19	Regulation 2 amended (Definitions)		11
20	Regulation 2FA amended (Payment of refund amount from reverse vending machine)		12
21	Regulation 6 repealed (Definitions)		12
22	Regulation 8 amended (When infringement notice may be given)		13
23	Regulations 9 and 10 replaced		13
	9	Contents of infringement notice	
	10	Electronic payment and payment by cheque	
	10A	Expiation of offence	
24	Regulation 11 amended (Withdrawal of infringement notice)		14
25	Regulation 12 amended (Application of Part)		15
26	Schedule replaced		15
	Schedule	Infringement notice offences and prescribed amounts	

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

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

27	Act amended		16
28	Section 18 amended (Acceptance of empty permitted containers by operator of collection depot)		16
29	Section 20 amended (Acceptance of and payment for empty permitted containers by CDS coordinator)		16

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

30	Regulations amended		17
----	---------------------	--	----

31	Regulation 2 amended (Definitions)	17
32	Regulations 2A and 2B repealed	17
33	Regulation 2F replaced	17
	2F Containers exempted from CDS	
34	Part 4, Division 1 heading inserted	17
35	Part 4, Division 2 inserted	18
	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	

Part 4 Repeal of Act

36	Repeal of Act	18
----	---------------------	----

Schedule Act further amended



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2025

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]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

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

- (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)

insert

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

10 Section 82 amended (Alternative verdicts)

Section 82(2), Table

omit, insert

Table Alternative verdicts

Item	Prosecuted offence	Alternative offence
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

insert

CEO

(2) Section 84(b)

omit

glass

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:

(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:

(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

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

(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.

(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.

(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

Item	Reviewable decision	Affected person
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

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

Item	Provision of Act	Prescribed amount in penalty units
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

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

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.

34 Part 4, Division 1 heading inserted

20 Before regulation 13

insert

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

35 Part 4, Division 2 inserted

After regulation 13

insert

**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**

(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.

(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.

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.

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.

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	NT EPA	CEO
sections 22, 23(1) and (2), 24(b) and (d), 25(1), (3) and (4) and 29, definition condition	NT EPA (all references)	CEO
section 30, heading	NT EPA's	CEO's
sections 30(1), (2) and (3) and 31(1) and (2)(b)	NT EPA (all references)	CEO
section 32, heading	NT EPA	CEO
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 (all references)	CEO
section 41B, heading	NT EPA	CEO
sections 41B, 41C(1) and (2), 41D(1)(d), (e), (f) and (g) and 41E(1) and (2)	NT EPA (all references)	CEO
section 41E(1), note	<i>NT EPA</i> (all references)	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 " Schedule "		1
Schedule, clause 8(3)	reasonably believes	believes on reasonable grounds that