

NSW Container Deposit Scheme: retailer obligations

From 1 December 2019 retailers must ensure that their eligible beverages show the 10c refund marking. Penalties may apply to retailers who sell containers that do not comply with the legislation.

Return and Earn

The NSW Container Deposit Scheme, *Return and Earn* started on 1 December 2017 and is the largest litter reduction initiative introduced in NSW.

The NSW community has embraced the Scheme, returning more than 1.8 billion containers in the first 16 months and reducing the volume of eligible beverage container litter by 44%.

Return and Earn ensures that industry and the community share the responsibility for reducing and dealing with the waste generated by beverage product packaging.

Drinks suppliers are an integral part of the Scheme... **but did you know that NSW retailers have obligations too?**

Transition period ending

When *Return and Earn* was introduced, a two-year transition period was included in the legislation. This was to minimise the initial disruption to businesses, to give suppliers two years to sell old stock and to make the necessary changes to labels, barcodes and cans to comply with the legislation. During this period penalties do not apply to anyone who supplies containers that are non-compliant.

On 1 December 2019 the transition period will end and s39 of the Act will take effect, providing substantial penalty provisions for non-compliant suppliers and retailers.

What does it mean for me?

From 1 December 2019 retailers must only supply/display/sell eligible containers in NSW that show the NSW refund marking. As a beverage supplier/retailer it is your responsibility to ensure that you do not supply or attempt to supply a container that does not adhere to the law.

The obligations discussed in this fact sheet apply to ALL retailers who supply/sell eligible containers in NSW.

What is a compliant container?

From 1 December 2019 eligible beverage containers supplied/sold/displayed in NSW must show the NSW refund marking. To be compliant, the marking must contain the words: “**10c refund at collection depots/points in participating State/Territory of purchase**”, in clear and legible characters.



The refund marking applies at all points in the supply chain. Suppliers who sell containers that do not display the correct refund marking may be found to be in contravention of s39 of the Act, for which penalties may apply. Alternatively the Environment Protection Authority (EPA) can revoke container approvals, making it an offence to sell that container in NSW.

Why is it important?

Displaying the correct refund marking is an important step to encourage consumers to return eligible containers to approved collection points. Correct refund labelling will help to maximise the number of eligible containers returned, while reducing the amount of time and effort people spend trying to return ineligible containers.

The NSW refund marking has been agreed to by all states and territories that currently have Container Deposit Schemes.

How can I prepare?

If you are a beverage retailer in NSW, you can begin preparations for 1 December 2019 now.

Talk to your suppliers

Ask your suppliers to demonstrate that their containers are compliant with the NSW legislation.

Review incoming stock

Consider whether you will be able to sell incoming stock that does not comply with the Regulation before 1 December 2019.

Consider alternatives

There may be temporary solutions that you can adopt to avoid the sale of non-compliant stock such as affixing a compliant label to a container *before* it's supplied or put on shelves.

Retailers won't be penalised for selling non-compliant stock prior to 1 December 2019.

Container approval holders

There are additional obligations starting on 1 December 2019 for container approval holders to display barcodes on approved containers and to cease the supply of prohibited removable lids on cans. **These obligations only apply at the first point of supply into NSW.** More info is available in the Supplier Obligations fact sheet.

The EPA's role

The EPA plays an important compliance role to ensure *Return and Earn* meets its objectives. The EPA is responsible for ensuring that containers approved to be supplied in NSW under the Scheme comply with the regulations. We aim to be a modern and effective regulator that exercises its statutory authority fairly and credibly.

It's our priority to educate suppliers and retailers to achieve compliance in the first instance.

We're here to help

This fact sheet is designed to assist businesses make informed decisions prior to 1 December 2019. A fact sheet for Suppliers and more information is available at www.epa.nsw.gov.au.

If you have any questions about these requirements, please contact the EPA by phone: 131 555 or email: container.approval@epa.nsw.gov.au

Excluded containers

Most NSW beverage containers between 150 millilitres and 3 litres are eligible for a 10c refund. **Some containers are excluded from the scheme and do not qualify for a refund.** These include plain milk or milk substitute containers, flavoured milk containers of 1 litre or more, pure fruit or vegetable juice containers of 1 litre or more and glass containers for wine and spirits, among others. Please visit the *Return and Earn* website for the full [list of excluded containers](#).



References

[Waste Avoidance and Resource Recovery \(Container Deposit Scheme\) Regulation 2017](#) ("the Regulation")
[Waste Avoidance and Resource Recovery Act 2001](#) ("the Act")
[Waste Avoidance and Resource Recovery Amendment \(Container Deposit Scheme\) Act 2016](#) ("s39 of the Act")

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