

Waste Avoidance and Resource Recovery (Container Deposit Scheme) Amendment Regulations 2025

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Consultation Draft

Waste Avoidance and Resource Recovery (Container Deposit Scheme) Amendment Regulations 2025

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Amendment Regulations 2025*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on 1 July 2026.

3. Regulations amended

These regulations amend the *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019*.

4. Regulation 3 amended

- (1) In regulation 3(1) insert in alphabetical order:

bulk claim arrangement (bale) has the meaning given in regulation 3EA(1);

bulk quantity, of empty containers, means 1 500 or more containers;

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damaged container means a container (including any labelling) presented to a refund point that is so damaged, or in such a condition, that the barcode cannot be scanned or otherwise recognised;

whole container means a container that is whole, or that is not missing anything other than labelling or a lid, ring pull or other portion of the container that is designed to be removed by consumers for the purposes of accessing the contents of the container.

- (2) In regulation 3(1) in the definition of **subsidiary** delete “9.” and insert:

9;

5. **Regulation 3AA inserted**

After regulation 3 insert:

3AA. Classes of things included in meaning of beverage

- (1) In this regulation, a beverage is a **spiritous liquor** if the beverage is —
- (a) a liqueur or alcoholic beverage produced by distillation (or a mixture of both); and
 - (b) not mixed with any beverage other than a liqueur or alcoholic beverage produced by distillation.
- (2) In this regulation, a beverage is **wine** if the beverage is —
- (a) produced by fermentation of grapes (whether or not it is mixed with any other grape product); and

- (b) not mixed with any beverage other than a grape product.
- (3) For the purposes of paragraph (b) of the definition of **beverage** in section 47C(1) of the Act, each of the following is a class of things prescribed to be a beverage —
 - (a) spiritous liquor;
 - (b) wine.

6. Regulation 3A amended

- (1) In regulation 3A(1) delete the definition of **cordial**.
- (2) Delete regulation 3A(2)(b) and (c).

7. Regulation 3B amended

- (1) In regulation 3B(1) delete the definitions of:
flavoured milk
flavouring
wine-based beverage
- (2) In regulation 3B(1) insert in alphabetical order:
ceramic means a material —
 - (a) that is inorganic and non-metallic; and
 - (b) made up of metal compounds and non-metal compounds; and
 - (c) that has been shaped and hardened by heat;
- (3) In regulation 3B(1) in the definition of **sealable aluminium can** paragraph (c) delete “non-reusable;” and insert:
non-reusable.

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- (4) Delete regulation 3B(2) and (3).
- (5) Delete regulation 3B(5)(c) to (f) and insert:

- (c) a vessel made wholly or partly of —
 - (i) biodegradable plastic as defined in the *Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018* regulation 3; or
 - (ii) degradable plastic as defined in the *Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018* regulation 3; or
 - (iii) polylactic acid (PLA); or
 - (iv) polybutylene succinate (PBS); or
 - (v) polyvinyl chloride (PVC); or
 - (vi) ceramic;

8. Regulation 3EA inserted

At the end of Part 1 insert:

3EA. Meaning of bulk claim arrangement (bale)

- (1) A **bulk claim arrangement (bale)** is an arrangement in writing between a person and a refund point operator —
 - (a) under which the refund point operator agrees to accept claims for refund amounts for bulk quantities of empty containers that are in bales from the person; and
 - (b) that states the person's obligations under the arrangement in relation to claiming the refund

amounts and delivering empty containers to the refund point; and

- (c) under which the person warrants the matters referred to in subregulation (2) in relation to the containers delivered under the arrangement.

(2) The matters are the following —

- (a) the relevant beverage product for each container will be an approved beverage product;
- (b) all of the containers will be —
 - (i) containers that were collected in the State for the purpose of claiming a refund amount under the scheme; and
 - (ii) in the case of transitioned containers (as defined in regulation 42(1)) — containers that were first supplied in the State on or after 1 July 2026; and
 - (iii) in the case of containers other than containers referred to in subparagraph (ii) — containers that were first supplied in the State on or after the appointed day for section 47E of the Act;
- (c) the bales will not contain any container that —
 - (i) is not a whole container; or
 - (ii) is a contaminated container (as defined in regulation 4C(1)); or
 - (iii) is a container for which a refund amount has already been paid; or
 - (iv) has been collected or received by an MRF operator in its capacity as an MRF operator; or

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- (v) has been collected pursuant to an agreement to collect the container and deliver it to an MRF operator;
- (d) the bales will not consist of any material other than containers;
- (e) the bales will be compressed in such a way that the refund point operator will be reasonably able to separate the containers from each other for counting.

9. Regulation 3F amended

- (1) In regulation 3F(1) insert in alphabetical order:

register of container approvals means the register of container approvals kept under regulation 3V.

- (2) In regulation 3F(1) in the definition of ***equivalent approval*** delete “product).” and insert:

product);

10. Regulation 3J amended

In regulation 3J(b) delete “labelling, and the proposed way of displaying the refund mark,” and insert:

labelling

11. Regulation 3M amended

In regulation 3M(4) delete “kept under regulation 3V”.

12. Regulation 3NA inserted

At the end of Part 1A Division 3 Subdivision 1 insert:

3NA. Requirement to notify Coordinator of new barcode

- (1) In this regulation —
new barcode, in relation to a beverage product to which a container approval applies, means a barcode other than a barcode that is recorded for that beverage product under that container approval in the register of container approvals.
- (2) This regulation applies if the holder of a container approval proposes to place a new barcode on a container for a beverage product to which the container approval applies.
- (3) Before the holder places the new barcode on the container the holder must give the Coordinator written notice, in a form approved by the CEO, of the new barcode.

Penalty for this subregulation: a fine of \$10 000.

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13. Part 1A Division 3 Subdivisions 1A and 1B inserted

After Part 1A Division 3 Subdivision 1 insert:

Subdivision 1A — Container approval taken to be held

3NB. Certain first responsible suppliers taken to hold container approval

- (1) Subregulation (2) applies to a person who is a first responsible supplier of a beverage product if —
- (a) the type of container used for the beverage product is made wholly of aluminium or glass; and
 - (b) the Coordinator has received a notice from the person about the beverage product in a form approved by the CEO; and
 - (c) the Coordinator is satisfied that —
 - (i) the person has complied with any request under subregulation (6) within the specified time; and
 - (ii) the type of container used for the beverage product is made wholly of aluminium or glass; and
 - (iii) the labelling on the type of container used for the beverage product does not affect the capability of the type of container to be recycled and will not contaminate the recycling stream; and
 - (iv) a barcode that complies with the requirements prescribed for the purposes of section 47E(2)(c) of the Act (other than the requirement in regulation 3H(5)) has been allocated for the beverage product.

- (2) The person is taken to hold a container approval that applies to the beverage product.
- (3) The Coordinator must enter the details of the container approval in the register of container approvals.
- (4) The container approval commences when it is entered into the register of container approvals by the Coordinator.
- (5) The Coordinator must, within 5 business days after entering the container approval into the register of container approvals, give the person details of the container approval that are set out in regulation 3V(2) (as applicable).
- (6) For the purposes of being satisfied under subregulation (1)(c)(ii) to (iv), the Coordinator may request the person to provide further specified information or documents within a specified time.

Subdivision 1B — Amendment of container approval by application

3NC. Application to amend container approval

- (1) The holder of a container approval may apply to the CEO to amend the approval, including a condition imposed on the approval by the CEO.
- (2) However, an application cannot be made to revoke a condition on a container approval.
- (3) An application is made by lodging the application with the Coordinator in a way approved by the CEO.
- (4) The application must —
 - (a) be in a form approved by the CEO; and
 - (b) state the proposed amendment to the container approval; and

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- (c) contain or be accompanied by the information or documents required by the CEO (as indicated in the form or in material accompanying the form); and
 - (d) be accompanied by the fee determined by the CEO by order published in the *Gazette*.
- (5) Within 10 business days after the application is lodged with the Coordinator, the Coordinator must —
 - (a) review the application and —
 - (i) if the Coordinator considers that the application should be refused — must make written submissions to the CEO in relation to the application; and
 - (ii) in any other case — may make written submissions to the CEO in relation to the application;
 - and
 - (b) forward the application to the CEO.
- (6) For the purposes of deciding whether to make the proposed amendment to the container approval, the CEO may —
 - (a) request the applicant to provide further specified information or documents within a specified time; or
 - (b) invite any person to provide written submissions or information in relation to the application within a specified time.
- (7) The CEO may refuse to consider an application if the applicant does not comply with a request under subregulation (6)(a) within the specified time.

3ND. Deciding amendment application

- (1) If the CEO is deciding whether or not to amend a container approval on an application under regulation 3NC(1) —
 - (a) regulation 3J applies as if the amendment of the container approval were an application for the grant of a container approval; and
 - (b) regulation 3K applies as if a refusal to amend the container approval were a refusal to grant a container approval; and
 - (c) regulation 3L applies as if the decision were a decision about an application under section 47F(1) of the Act.
- (2) The CEO must decide an application under regulation 3NC(1) within 20 business days after the later of the following days —
 - (a) the day on which the CEO receives the application from the Coordinator;
 - (b) if the CEO makes 1 or more requests under regulation 3NC(6)(a) in relation to the application — the day on which the last of the requests is complied with.
- (3) If the CEO decides to amend a container approval on an application under regulation 3NC(1), the CEO must notify the applicant and the Coordinator of the decision within 5 business days after making the decision.
- (4) The notice must state the amendment to the container approval.
- (5) The Coordinator must update the details of the container approval in the register of container approvals within 5 business days after receiving the notification under subregulation (3).

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- (6) The amendment to the container approval takes effect when the Coordinator updates the details of the container approval in the register of container approvals.
- (7) If the CEO decides to refuse an application to amend a container approval, the CEO must, within 10 business days after making the decision, give the applicant and the Coordinator written notice of the decision, stating the grounds on which the application was refused.

14. Part 1A Division 3 Subdivision 2 replaced

Delete Part 1A Division 3 Subdivision 2 and insert:

Subdivision 2 — Container approval taken to be transferred

30. Certain container approvals taken to be transferred

- (1) Subregulation (2) applies to a container approval if the Coordinator has received —
 - (a) a notice about transfer of the approval from the holder of the approval (the **transferor**) to another person (the **transferee**) in a form approved by the CEO; and
 - (b) the signed consent of the transferee.
- (2) The container approval is taken to be transferred from the transferor to the transferee.
- (3) The Coordinator must update the details of the container approval in the register of container approvals within 5 business days after receiving the notice and consent under subregulation (1).
- (4) The transfer takes effect 10 business days after the details of the container approval are updated in the register of container approvals by the Coordinator.

- (5) The Coordinator must, within 5 business days after updating the details of the container approval in the register of container approvals, notify the transferor and transferee that the details have been updated.

15. Regulation 3S amended

In regulation 3S(1) delete “**action**).” and insert:

action) under regulation 3Q or 3R.

16. Regulation 3T amended

In regulation 3T(5) delete “kept under regulation 3V”.

17. Regulation 3V amended

In regulation 3V(2):

(a) after paragraph (c) insert:

(ca) whether the approval has been transferred;

(b) after paragraph (d)(iv) insert:

(v) if the approval has been transferred —
the day on which the transfer takes
effect;

18. Regulation 4C amended

(1) In regulation 4C(1) delete the definitions of:

damaged container

whole container

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- (2) In regulation 4C(1) insert in alphabetical order:

transitioned container has the meaning given in regulation 42(1).

- (3) Delete regulation 4C(4)(b) and (c) and insert:

- (b) in the case of a transitioned container — on and after 1 July 2029 —
- (i) a barcode that complies with the requirements prescribed for the purposes of section 47E(2)(c) of the Act is not displayed on the container or the container is in such a condition that the barcode cannot be read; or
 - (ii) the refund mark is not displayed on the container or the container is in such a condition that the refund mark cannot be read;

or

- (ba) in the case of a container other than a container referred to in paragraph (b) — the refund mark is not displayed on the container or the container is in such a condition that the refund mark cannot be read; or
- (c) in the case of a transitioned container — the refund point operator reasonably believes that the relevant beverage product was supplied in the State before 1 July 2026; or
- (ca) in the case of a container other than a container referred to in paragraph (c) — the refund point operator reasonably believes that the relevant beverage product was supplied in the State

before the appointed day for section 47E of the
Act; or

(4) In regulation 4C(5):

(a) in paragraph (a)(vi) delete “is or”;

(b) after paragraph (a) insert:

(aa) the container is part of a bale and a bulk claim
arrangement (bale) is in place between the
refund point operator and the person and —

(i) the refund point operator reasonably
believes that the container does not
comply with 1 or more matters the
person warranted in the arrangement; or

(ii) the refund point operator has received a
notice from the Coordinator under
regulation 4JB(2) that relates to the
arrangement and the notice is still in
effect;

or

(ab) the container is part of a bale and no bulk claim
arrangement (bale) is in place between the
refund point operator and the person; or

19. Regulation 4D amended

In regulation 4D(1) after “regulations” insert:

3EA,

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20. Regulation 4E amended

- (1) In regulation 4E(1) delete the definition of **bulk quantity**.
- (2) In regulation 4E(1) in the definition of **bulk claim arrangement**:
 - (a) in paragraph (a) after “containers” insert:

that are not in bales
 - (b) in paragraph (c) delete “arrangement;” and insert:

arrangement.
- (3) In regulation 4E(2)(a) after “arrangement” insert:

or bulk claim arrangement (bale)
- (4) In regulation 4E(3)(b):
 - (a) delete subparagraph (i) and insert:
 - (i) in the case of transitioned containers (as defined in regulation 42(1)) — all of the containers were first supplied in the State on or after 1 July 2026; and
 - (ia) in the case of containers other than containers referred to in subparagraph (i) — all of the containers were first supplied in the State on or after the appointed day for section 47E of the Act; and

(b) delete subparagraph (iv) and insert:

- (iv) in the case where there is no bulk claim arrangement (bale) between the person and the refund point operator — none of the containers are part of a bale; and
- (v) none of the containers were part of a bale.

21. Regulation 4G amended

In regulation 4G(5)(c) delete “container (as defined in regulation 4C(1)); or” and insert:

container; or

22. Regulation 4I amended

(1) In regulation 4I:

(a) delete “A person” and insert:

(1) A person

(b) delete paragraph (c)(ii) and insert:

- (ii) the container is part of a bale; or
- (iii) the container was part of a bale.

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(c) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

(2) At the end of regulation 4I insert:

- (2) Subregulation (1)(c)(ii) does not apply to the person if a bulk claim arrangement (bale) is in place between the refund point operator of the refund point and the person.

23. Regulations 4JA and 4JB inserted

After regulation 4J insert:

4JA. Refund point operator must give copy of bulk claim arrangement (bale) to Coordinator

A refund point operator who enters into a bulk claim arrangement (bale) must give the Coordinator a copy of the arrangement within 10 business days after entering into the arrangement.

Civil penalty: \$5 000.

4JB. Coordinator may give notice to stop accepting containers under bulk claim arrangement (bale)

- (1) This regulation applies if, in the Coordinator’s opinion —
- (a) a refund point operator is accepting containers as part of a bale under a bulk claim arrangement (bale); and
 - (b) the refund point operator or the other party to the arrangement is not complying with the arrangement.

- (2) The Coordinator may, by written notice, direct the refund point operator to stop accepting containers that are part of a bale under the bulk claim arrangement (bale) —
 - (a) for a specified period; or
 - (b) until further written notice from the Coordinator.

24. Regulation 4W amended

Delete regulation 4W(2) and insert:

- (2) If, in the Coordinator's opinion —
 - (a) the counterparty is a minor beverage supplier who is likely to supply at least 150 000 beverage products in a financial year, the frequency of payments and reporting to the Coordinator required under the supply agreement must not, unless the counterparty elects for the frequency to be monthly, be more than quarterly; or
 - (b) the counterparty is a minor beverage supplier who is likely to supply less than 150 000 beverage products in a financial year, the frequency of payments and reporting to the Coordinator required under the supply agreement must be annually, unless the counterparty elects for the frequency to be monthly or quarterly.

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25. Regulation 4ZA amended

In regulation 4ZA(d) delete “bales;” and insert:

bales, other than to the extent that a bulk claim arrangement
(bale) is in place between the counterparty and another person;

26. Regulation 4ZB amended

In regulation 4ZB(1)(c)(iii) delete “container (as defined in
regulation 4C(1)); or” and insert:

container; or

27. Regulation 7 amended

In regulation 7(2):

(a) in paragraph (ca) delete “3O” and insert:

3NC

(b) after paragraph (ca) insert:

(caa) to receive notices under regulations 3NB and
3O;

(cab) to contribute to the establishment and
maintenance of a national web portal for
applications for container approvals and a
national database of container approvals;

28. Regulation 12 amended

In regulation 12(2)(c) delete “1 year.” and insert:

5 years.

29. Regulation 14A inserted

After regulation 14 insert:

14A. Notice to CEO of certain matters under *Work Health and Safety Act 2020*

(1) In this regulation —

notifiable incident has the meaning given in the *Work Health and Safety Act 2020* section 35;

relevant notice means any of the following —

- (a) a notice under the *Work Health and Safety Act 2020* section 38(1);
- (b) a provisional improvement notice under the *Work Health and Safety Act 2020* section 90(2);
- (c) an improvement notice under the *Work Health and Safety Act 2020* section 191(2);
- (d) a prohibition notice under the *Work Health and Safety Act 2020* section 195(3);
- (e) a non-disturbance notice under the *Work Health and Safety Act 2020* section 198.

(2) The Coordinator must promptly inform the CEO about the following —

- (a) a relevant notice that relates to a notifiable incident arising out of the operations of the collection network —
 - (i) given by the Coordinator; or

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- (ii) issued to the Coordinator;
- (b) a relevant notice that relates to a notifiable incident arising out of the operations of the collection network, of which the Coordinator becomes aware —
 - (i) given by a scheme participant or any other person; or
 - (ii) issued to a scheme participant or any other person.

Civil penalty: a fine of \$25 000.

30. Regulation 18 amended

In regulation 18(2)(a) delete “31 October” and insert:

30 November

31. Regulation 34 amended

In regulation 34(1):

(a) after paragraph (g) insert:

(ga) regulation 4JA;

(b) after paragraph (m) insert:

(ma) regulation 14A(2);

32. **Part 5 heading and Part 5 Division 1 heading inserted**

After regulation 40 insert:

Part 5 — Transitional provisions

Division 1 — Transitional provision for *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019*

33. **Part 5 Division 2 inserted**

After regulation 41 insert:

Division 2 — Transitional provisions for *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Amendment Regulations 2025*

42. **Transition period for displaying barcode or refund mark on certain containers**

- (1) In this regulation —
repealed, in relation to a regulation, means the regulation as in force immediately before 1 July 2026;

transitioned container means a container —

- (a) used for a thing referred to in repealed regulation 3A(2)(b) or (c); or
- (b) that is a thing referred to in repealed regulation 3B(5)(c), (d), (e) or (f);

transition period means the period beginning on 1 July 2026 and ending on 30 June 2029.

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- (2) During the transition period, a person does not commit an offence against section 47E(2) of the Act by reason only that a transitioned container does not bear —
 - (a) a barcode that complies with the requirements prescribed for the purposes of section 47E(2)(c) of the Act; or
 - (b) a refund mark.

43. Existing applications for transfer of container approval

- (1) This regulation applies to an application for the transfer of a container approval that —
 - (a) was made under regulation 3O as in force from time to time before 1 July 2026; and
 - (b) on 1 July 2026 is not decided or withdrawn.
- (2) For dealing with and deciding the application, regulations 3O and 3P as in force immediately before 1 July 2026 continue to apply as if they had not been repealed.

44. Application of r. 14A

- (1) Regulation 14A(2)(a) applies only if the relevant notice is given by or issued to the Coordinator on or after 1 July 2026.
- (2) Regulation 14A(2)(b) applies only if the Coordinator becomes aware of the relevant notice on or after 1 July 2026 (whether the notice was given by or issued to the scheme participant or other person before or after 1 July 2026).

Clerk of the Executive Council

Consultation Draft