



Government of **Western Australia**
Department of **Water and Environmental Regulation**

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

Consultation information paper

Department of Water and Environmental Regulation
November 2025

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November 2025

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How to make a submission

Submissions must be received by 5pm (WST) on **Sunday 18 January 2026**.

Submissions by the CDS Stakeholder Advisory Group can be lodged by email to cds@dwer.wa.gov.au.

We look forward to receiving your submission.

1. Introduction

Western Australia's (WA) container deposit scheme (CDS), Containers for Change, officially commenced on 1 October 2020 and is established under Part 5A of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act). The Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019 (CDS Regulations) sets out the legislative framework for the CDS with the aim to increase recycling, reduce litter, provide benefits for community groups and charities, and create employment opportunities for small businesses and social enterprises.

On 10 September 2025, the Government of Western Australia announced an expansion of the CDS from 1 July 2026. The draft Waste Avoidance and Waste Recovery (Container Deposit Scheme) Amendment Regulations 2025 (draft regulations) have been prepared to give effect to this expansion as well as other amendments to assist in improving and streamlining the administration of the CDS.

The Department of Water and Environmental Regulation (the Department) is seeking feedback from the CDS Stakeholder Advisory Group on the effective implementation of the changes proposed under the draft regulations.

The CDS Stakeholder Advisory Group comprises representatives from the beverage, spirit, wine and retail industry, resource recovery, local government and scheme coordinator. Their role is to provide feedback on the regulatory amendments and how operational elements of the scheme are affected, provide independent feedback as knowledgeable representatives of their industry and propose workable, cost-effective solutions to the government.

A list of members is provided in the appendix.

If you are not on the advisory group and interested in providing feedback, please contact cds@dwer.wa.gov.au

2. Background

The CDS Regulations were gazetted on 18 April 2019, and the scheme commenced on 1 October 2020. Prior to the commencement of the scheme, the recycling rate for eligible beverage containers was 34 per cent. As of 30 September 2025, more than 4.64 billion containers have been collected for recycling and diverted from landfill.

Implementation of the CDS included the establishment of the office of coordinator of the scheme under section 47X of the WARR Act to administer and provide governance for the scheme, oversee scheme integrity, and undertake other functions set out under the CDS Regulations. This includes publishing quarterly and annual reports in accordance with the CDS reporting code. The current occupier of this office is WA Return Recycle Renew Ltd (WARRRL) and all reporting is published on the [scheme coordinator's website](#).

In 2021, Australia's environment ministers that administer CDSs across the nation, agreed to the harmonisation of containers (size and products), refund amounts and container approvals by the end of 2025, ensuring consistent recycling collection strategies across all states and territories. They also agreed to consider expanding the scope of their CDSs, with each jurisdiction to consult on an agreed scope.

From December 2022 to June 2023, public consultation was undertaken on potential opportunities for expansion and improvement of WA's CDS. A CDS Stakeholder Advisory Group was established with representatives from the beverage, retail, waste and recycling industries, local government and environment sectors. State and national representatives from the wine and spirit sector also participated to address design and operational issues associated with any potential expansion of the scheme.

Through this consultation, opportunities were identified to achieve resource recovery objectives and to improve the scheme. Aspects such as streamlining administrative arrangements for beverage suppliers, minimising costs for small beverage suppliers, and recyclability of expanded scope of containers have all been considered.

At the national level, the Heads of Environmental Protection Authorities (HEPA) began investigating the potential to develop a single portal for container approvals across all jurisdictions, which would also include a comprehensive container approval database, and potentially additional transactional capabilities such as reporting sales volumes and paying invoices. Although plans are still ongoing, WA seeks to ensure the governance and functions of its coordinator has the scope to participate and contribute to such integrated processes when it eventuates.

As a result, the Department commenced drafting the amendment regulations to address several matters to improve the scheme. On 10 September 2025, the State Government announced that the expansion of the CDS would commence from 1 July 2026.

3. Purpose of the draft regulations

The regulations are designed to consolidate various amendments which will improve the CDS process, expand its recycling outcomes and increase the recycling rate, reduce customer confusion, provide efficiencies for government and industry, and prepare the state to align with national initiatives.

4. Explanation of amendment regulations

4.1. Commencement

Regulation 2 of the amendment regulations prescribes when the changes will take effect. The amendment regulations will become law the day after the day the Governor makes them and they are published online, but the expansion won't take effect until 1 July 2026 to ensure preparations for implementation are in place.

See section 4.18 of this paper to find out more about certain exemptions for contravening labelling and barcode requirements during the 36-month transition period after these regulations are in effect.

4.2. Amendments to regulation 3 - update of terms

New term 'bulk claim arrangement (bale)'

This new term is being introduced due to new provisions that will enable people to claim bulk quantities of containers in bales but only if they have a bulk claim arrangement (bale) with the refund point operator (RPO).

See sections 4.5 and 4.13 of this paper to find out more about how these arrangements will work.

Re-insertion of current terms

Current terms 'bulk quantity', 'damaged container' and 'whole container' have been moved from regulations 4C and 4E to regulation 3.

If a term is only used for one specific regulation, it is defined within that regulation. Damaged and whole containers have been defined under regulation 4C for the purpose of what circumstances an RPO is not required to pay a refund amount, and bulk quantities have been defined under regulation 4E for the purpose of general bulk claim arrangements.

With the introduction of new provisions for the acceptance of bales (see section 4.5 of this paper), these terms are now relevant to a wider number of regulations and therefore will be inserted into regulation 3. The meaning of the terms has not changed.

4.3. New regulation 3AA - new classes of 'beverage'

With the expansion of the scheme to include wine and spirit bottles, these have now been prescribed as specific classes of beverage, so that a supplier only needs to obtain one container approval to cover all types, varieties and vintages of 'wine' it may supply, and only one container approval for any type of 'spiritous liquor' it may supply. This aims to reduce administration and compliance costs for small beverage suppliers.

To complement this, new provisions that require a supplier to notify the coordinator whenever new barcodes are obtained for new types or vintages of wine or spirits under that class of container approval have been introduced. See section 4.7 of this paper for more information.

4.4. Amendments to regulations 3A and 3B - scheme expansion

Amending what is not included as a ‘beverage’ or ‘container’ for the purpose of the scheme

Technically, any container filled with a beverage is eligible under the scheme, unless regulations specifically exclude that beverage or container from the scheme. For this purpose, current regulation 3A describes types of beverages, and regulation 3B, the types of containers, excluded from the scheme.

The State Government has committed to wine and spirit bottles being included in the CDS. Additional opportunities for scheme expansion were identified during previous consultation, including containers for casks of water and wine, flavoured milk and fruit or vegetable juice containers up to 3 L, and cordial containers. This expansion seeks to increase recycling outcomes and reduce consumer confusion regarding other eligible beverage products.

To achieve the State Government’s commitment to expand the scheme, regulations 3A and 3B are being amended in the following ways so they are now included in the scheme:

- Lift restrictions on concentrated fruit or vegetable juice (or a mixture of concentrated fruit and vegetable juices) from being eligible ‘beverages’ within the meaning of ‘container’.
- Lift restrictions on containers of flavoured milk, wine and wine-based beverages, spirituous liquor, fruit or vegetable juice (or a mixture of both), and water that are between 150 ml and 3 L, including sachets and casks of plastic, foil or cardboard, being excluded from the scheme.

It is important to note that any containers that hold **milk** and **registered health tonics** remain excluded from the scheme, as well as any container that is under 150 ml, over 3 L, or a **growler** (a vessel returned to seller for re-filling and re-sealing).

Throughout the draft regulations, other consequential amendments are being inserted to clarify that existing obligations and offences in relation to claims and refunds of containers only apply to **transitioned containers** (the containers described above) if they were first supplied in the state after 1 July 2026. The claiming of and payment of refunds for transitioned containers supplied in the state before this date will not be permitted.

Prohibiting containers of certain materials from the scheme

Containers made of certain materials will be excluded from the scheme because they risk contaminating the existing recycling processes. Regulation 3B(5) is being amended to add that any container wholly or partially made of one or more of the following materials will not be an eligible container:

- biodegradable plastic
- degradable plastic
- polylactic acid, polybutylene succinate or polyvinyl chloride (PLA, PBS or PVC)
- ceramics – as defined in new regulation 3B(1).

4.5. New regulation 3EA - enabling a person to claim a bale of containers

Currently regulation 4C prohibits accepting a container or paying a refund amount where an RPO knows, or ought reasonably to know, that a container is or was part of a bale. This provision was originally intended to ensure that baled material from material recovery facilities (MRFs) could not be accepted at refund points and prevent double payment for containers. Additionally, this provision reduces the risk of containers from outside WA or Australia from being fraudulently infiltrated into the scheme.

'Bale' is defined in regulation 3 to mean containers that have been mechanically compressed together.

This restriction has the unintended consequence of impairing participation of mines and farms (particularly large remote holdings) in the scheme, as these businesses transport containers in a semi-baled or lightly compressed state to reduce transport costs.

To now allow the acceptance of bales while managing risks regarding the legitimate source of materials in the bale, new regulation 3EA seeks to extend the current 'bulk claim arrangement' framework currently under regulation 4E, to introduce a specific type of arrangement between a person and a certain RPO under a 'bulk claim arrangement (bale)'.

This new regulation mirrors the provisions set out for normal bulk claim arrangements under regulation 4E; however, the matters to be addressed in the agreement set out in subregulation (2) also include specific requirements under (c) – (e) regarding the source and state of the contents, and presentation of, bales, particularly ensuring the continued prohibition against MRF-collected materials being included or accepted under current regulation 4C(5)(a)(iii).

WARRRL will have a role in monitoring quality and compliance of bale claims; this is explained further in section 4.13 of this paper.

4.6. Minor amendments in regulations 3F, 3J and 3M

Minor administrative matters are addressed in these regulations, including formally defining the reference of the term 'register of container approvals' to mean that register which is established and maintained by the coordinator under existing regulation 3V. Therefore, regulation 3M(4) is updated so that it does not need to specifically reference regulation 3V, as it is now within the meaning of 'register of container approvals'.

Regulation 3J is also amended to clarify that in granting a container approval, the CEO does not need to consider the proposed way of displaying the refund mark as this has no material effect on the recycling stream; however, the labels will continue to be assessed as part of this process.

4.7. New regulation 3NA - notifying of new barcodes

When a supplier initially applies for a container approval, the barcodes associated with those containers are provided to the coordinator, who maintains the barcodes on the register of container approvals. This is also a critical component of ensuring self-serve kiosks work appropriately to provide refunds.

With the introduction of wine and spirits as classes of beverage (see section 4.3 of this paper) to enable one container approval to cover all subsequent varieties and vintages of wines produced and sold, it is important for scheme integrity that suppliers notify the coordinator when new product barcodes are obtained and applied to the containers.

New regulation 3NA provides that a holder of a container approval must notify the coordinator of new barcodes before they are placed on the container so that the register can be updated.

4.8. New subdivision 1A - streamlined approvals for glass and aluminium containers

Single material aluminium and glass containers represent about 70 per cent of annual beverage sales and are clearly identifiable to both manual and machine sorting. Applications for container approval for containers made of these materials are always approved, and therefore new provisions will streamline the application and assessment processes.

New regulation 3NB provides that if certain criteria are met, the container approval is taken to be held without the added process of the CEO's assessment and approval. The approval will only commence once it's entered into the register by the coordinator, and that will only occur if the following criteria in subregulation (1) are met:

- The container is made of glass or aluminium only.
- Certain information has been provided to the coordinator, similar to current applications.
- The coordinator is satisfied all information has been provided, and that labelling and barcode requirements are suitable for scheme integrity.

Once the approval is on the register, the coordinator will notify the person of the approval within five business days.

4.9. New subdivision 1B - approval holder can seek changes to container approval

There is currently no capacity under the law for an approval holder to initiate an amendment to a container approval, such as correcting information in relation to a product group, the designed capacity of the container, the container material type, or material type of the lid or label. An amendment to a container approval can only be initiated by the CEO under regulation 3Q, which then triggers a 'proposed action' pathway under regulation 3S where notices need to be published and specific submission periods. This is appropriate in instances where a change is imposed, to allow those affected by the CEO's decision to

make submissions on its impact.

New regulations 3NC and 3ND enable a more streamlined approach when an approval holder initiates a request to change the container approval, as long as they do not seek to revoke any conditions on an existing approval. The coordinator and CEO will consider the application similarly to how they would for a new application under regulations 3I–3M. No requirements to publish notices of a ‘proposed action’ is triggered. However, the CEO still may invite others to make submissions to the amendment, such as other beverage suppliers, if it is deemed appropriate.

4.10. Subdivision 2 replaced - streamlining transfer of container approvals

Transfer of a container approval from the current holder to another person is another administrative process which is now being streamlined, given there is no material effect on the scheme or the environment if the holder of the approval changes. The approval is related to the assessment of the product and container, not the person, and as long as the container approval remains in force, no further assessment is required by the CEO on who the approval holder is.

For this reason, all the existing regulations under Part 1A Division 3 Subdivision 2 relating to the application, assessment and approval process for transfer of container approvals is being replaced by new regulation 3O. Under this new regulation, the current approval holder simply provides a notice to the coordinator with the signed consent of the transferee, using a predetermined form.

If all the information provided is in order, the transfer comes into effect 10 days after the coordinator updates the register with details of the transfer. The current holder and transferee will be notified within five business days of updating the register, so that they are aware before the transfer takes effect. The current holder remains subject to, and liable for, the terms of the approval until the date the transfer takes effect.

4.11. Amendments to regulations 3S, 3T and 3V - minor consequential amendments

Regulation 3S is amended to clarify its purpose is for CEO-initiated amendments only, and not the amendments initiated by the approval holder under new 3NC and 3ND (see section 4.9 of this paper).

The amendment to 3T is another consequential amendment of the new term ‘register of container approvals’ (see section 4.6 of this paper).

Regulation 3V sets out the details and process for the register of container approvals. Consequential amendments are being made to ensure certain details regarding transfer of approvals are entered into the register, following insertion of new regulation 3O (see section 4.10 of this paper).

4.12. Amendments to regulation 4C, 4D, 4E, 4G, 4I, 4ZA and 4ZB - consequential amendments to allow claiming of bales of containers and other transitional matters

Consequential amendments are made to regulation 4C to delete terms that have moved to regulation 3 (see section 4.2 of this paper), and to clarify that in the case of those containers becoming eligible for the scheme under this new expansion (see section 4.4 of this paper) an RPO can refuse a refund if such a container was supplied in the state before the expansion comes into effect (1 July 2026). Amendments to subregulation (5) are to also lift the prohibition on providing a refund on containers that are in a bale, as long as there is a bulk claim agreement (bale) in effect (see section 4.5 of this paper).

Regulations 4E and 4ZA have minor consequential amendments to clarify that the scope of normal bulk claim arrangements or RPO agreements when it comes to accepting bales should not include those claimed under a bulk claim arrangement (bale).

Consequential amendments to regulation 4E are to require that a person can only claim a refund for transitioned containers (see section 4.18 of this paper) if the container was supplied in the state after 1 July 2026.

Amendments to regulation 4I are to clarify that a refund must not be claimed if a person knows the container was part of a bale, only if there wasn't a bulk claim agreement (bale) in place.

Minor consequential amendments to regulations 4G and 4ZB are to adjust for the term 'whole container' now being defined under regulation 3.

4.13. New regulations 4JA and 4JB - compliance provisions for bales

These new regulations are being inserted to enable a level of monitoring and compliance for claiming and refunding of containers in bales. The coordinator has a role in administering the scheme and ensuring scheme integrity through checks and monitoring across the network.

Regulation 4JA sets up a new obligation that when an RPO enters into one of the new bulk claim arrangement (bales), it must send the coordinator a copy of the agreement within 10 business days. The coordinator may at any time investigate the origin of containers in bales, the quality of the bales and whether the RPO is undertaking due diligence in acceptance of bales and the appropriate refunds. If the coordinator has any concerns that obligations under the regulations or the terms of the arrangement are not being met appropriately by either the RPO or the other party, new regulation 4JB empowers the coordinator to direct the RPO by written notice to no longer accept bales under that arrangement until further notice, or within specified timeframes.

4.14. Amendment to regulation 4W - streamlined reporting for minor beverage suppliers

Currently, minor beverage suppliers have quarterly payment and reporting requirements. Under regulation 3(3) 'minor beverage suppliers' are those that supply less than 300,000 beverage products a year. To reduce reporting burdens on small beverage suppliers entering the scheme due to the CDS expansion, such as boutique wineries and small producers, it has been agreed to amend regulation 4W (content of supply agreements) so those supplying less than 150,000 beverage products a year can pay and report annually. This would align with other jurisdictions that have a similar threshold for what they term micro suppliers.

4.15. Amendments to regulation 7 - new role for coordinator in relation to a national portal

HEPA is an alliance of 11 environmental protection authorities (EPA) including all Australian state and territory environment regulators, and the Australian Government and New Zealand EPAs. It aims to identify opportunities and priorities for improved approaches to consistent or harmonised regulation.

During 2024–25, HEPA has undertaken a project to investigate the feasibility of, and develop a single portal for, container approvals across all jurisdictions, including those relating to the WA container deposit scheme. This single portal may include a comprehensive container approval database covering all jurisdictions and incorporate additional transactional capabilities such as reporting sales volumes and paying invoices.

Environment ministers from all states and territories committed to national harmonisation of key characteristics of their CDSs, and WA continues to work with other jurisdictions towards this outcome.

In anticipation of this initiative, the list of the coordinator's functions under regulation 7 is being amended to add that contributing to the establishment and maintenance of the portal and national database is part of the expectations of this office.

4.16. Amendments to regulations 12, 18 and 34 - administrative reporting matters

Regulation 12 is being amended to increase the minimum time between frequency of reviews of the Minimum Network Standards for refund point locations and hours of operation from annually to every five years to allow time to implement and evaluate changes to the Minimum Network Standards between reviews.

The date in which the coordinator must publish the website annual report on its operations is being amended under regulation 18 from 31 October to 30 November, to allow time for review and analysis of the report by the Department (particularly if any omissions or points of clarity need to be addressed), and for the Minister to note the report before publication.

The consequential amendments to regulation 34 are to add references to the civil penalties inserted under new regulation 4JA (see section 4.13 of this paper) and new regulation

14A(2) (see section 4.17 of this paper).

4.17. New regulation 14A - notice to Minister of work health and safety incidents

Regulation 14(b)(iii) currently requires the coordinator to promptly inform the Minister about any matter that the coordinator considers may significantly impact on public confidence in the scheme. To facilitate this, new regulation 14A is being inserted to provide additional requirements for the coordinator to promptly inform the CEO about notifiable work health and safety incidents and notices under the *Work Health and Safety Act 2020* (WHS Act). These reporting requirements would apply to certain incidents and notices given or issued by the coordinator, or given or issued by a scheme participant or other person, for operations under the collection network.

The CDS collection network is the refund points and processing and logistics network that allows the containers to be returned for refund, transported to aggregation points, processed into bales of single material type and stored until a marketable quantity of the material type is available and then sold to a recycler. Most of the collection network is operated by entities contracted by the scheme coordinator.

4.18. New Part 5 - Transitional provisions

Under section 47E(2)(c) of the Act, beverage suppliers must ensure all containers have a suitable refund mark and barcode. When the scheme first launched in October 2020, a transition period of 24 months was enabled under regulation 41 for beverage suppliers to display the refund mark on containers.

For this current scheme expansion, new Part 5 will be inserted into the regulations to similarly provide for a transition period for beverage suppliers new and existing, to account for increased logistical demands in rolling out new labelling and barcodes and on a wider range of containers. For this expansion, a transition period of 36 months is proposed.

New regulation 42 creates the new term 'transitioned container' to refer to all those new types of containers being introduced into the scheme by this expansion, and the term 'transition period' being the 36-month period from launch in 2026 to mid-2029.

Subregulation (2) sets out that a beverage supplier will have a defence if they don't have the appropriate barcode and refund mark on the new eligible containers (transitioned containers only), during this transition period. This includes an exemption from the new requirements to notify the coordinator of any new barcodes arising during this period.

Regulation 43 also provides transitional provisions for any applications for a transfer of a container approval received by the coordinator before 1 July 2026 to be processed and assessed under the old framework. Transfer of approvals after this date will be taken to be approved in accordance with new regulation 30 (see section 4.10 of this paper).

5. Next steps

Following this consultation process, all submissions on the draft regulations will be analysed and a consultation summary report will be prepared.

After the consultation summary report is prepared, the Department will identify whether amendments to the draft regulations are required. Once the regulations are finalised, the Department will seek the Minister for Environment's approval that the Governor in Executive Council make the regulations ahead of the CDS expansion launch on 1 July 2026.

6. Appendix

The following are members of the CDS Stakeholder Advisory Group*

Member	Representative organisation
Lisa Scott	Australian Grape and Wine Association
Larry Jorgensen	Wines of Western Australia
Angela Beechey	Australian Hotels Association (WA)
Sarah Collier	Australian Food and Grocery Council
Shannon Doherty	Australian Beverages Council
Conor MacGill	Western Australian Local Government Association
Michael Bobrowicz	Waste and Recycling Industry of Western Australia
Gayle Sloan	Waste Management and Resource Recovery Association
James Young	WA Distillers Guild
Michael Madden	WA Return Recycle Renew Ltd
Suzanne Toumborou	Australian Council of Recycling (ACOR)
David Stout	Australia Retail Council (previously known as National Retail Association)

* Liquor Stores Association of WA, Spirits and Cocktails Australia and Australian Distillers Association were invited to be involved in the advisory group but did not respond.