



Mr Alistair Jones
Director General
Department of Water and Environmental Regulation
Prime House, 8 Davidson Terrace
Joondalup WA 6027
By email: cds@dwer.wa.gov.au

17 January 2026

Dear Mr Jones

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

Thank you for the opportunity to provide feedback on the *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Amendment Regulations 2025* (“draft regulations”). The Waste Management and Resource Recovery Association of Australia (WMRR) is a member of WA’s CDS Stakeholder Advisory Group and is the national peak body representing Australia’s \$21 billion waste and resource recovery (WARR) industry. With more than 2,300 members from over 400 entities nationwide, we represent the breadth and depth of the sector, including representation from business organisations, the three (3) tiers of government, universities, and Non-Government Organisations (NGOs), including research bodies. Our members operate across all jurisdictions with container refund schemes, delivering essential services such as network operators, depot operators, and operators of material recovery and remanufacturing facilities.

WMRR is a strong supporter of container refund schemes, having actively participated in the design of every state-based scheme since 2014. The WARR industry recognises that extended producer responsibility (EPR) schemes such as this, are vitally important to improve product design, fund infrastructure investment and create market demand for recyclate for remanufacturing (ideally in Australia). Nationally, we have seen the presence of such schemes provide valuable inputs into domestic remanufacturing. Reforms to expand the scheme and harmonise schemes across Australian jurisdictions will inevitably make it easier, fairer, and more effective to recover beverage containers. With nationally consistent CDS settings, industry can plan with confidence, investment can flow, and we can deliver the clean, high-value recycled materials that are crucial to a circular economy.

The draft regulations support a major expansion of Western Australia’s Container Deposit Scheme (CDS), Containers for Change (“the scheme”) from 1 July 2026, alongside administrative and compliance reforms to improve efficiency, reduce costs for industry, and align WA with national CDS harmonisation efforts. The expanded scheme includes wine and spirit bottles, flavoured milk containers, fruit and vegetable juice containers, water and cordial containers and containers between 150 mL and 3 L, including casks and sachets. Plain milk containers, health tonics, containers under 150

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mL or over 3 L, refillable growlers and containers made of problematic materials (e.g. biodegradable plastics, PVC, PLA, ceramics) remain excluded. The draft regulations also include provisions to ensure that only containers first supplied in WA after 1 July 2026 will be eligible for refunds.

Upon review of the draft regulations, WMRR makes the following comments:

i. Streamlining provisions are strongly supported

WMRR appreciates the amendments which enhance the efficiency and streamline the implementation of the scheme, and which encourage compliance by producers with the scheme by simplifying approvals and reducing the administrative burden for container suppliers. WMRR notes:

- Simplified approvals for wine and spirits. Wine and spirits are defined as new beverage classes, in order that suppliers need only one (1) container approval per class, regardless of variety or vintage. Suppliers must notify the coordinator when new barcodes are introduced. This significantly reduces administrative burden for wineries and distillers.
- Provisions to claim refunds for baled containers under a formal bulk claim arrangement (bale) which particularly supports remote operations (e.g. farms and mines) and includes strict controls to prevent fraud and contamination (e.g. MRF-sourced material remains prohibited). WMRR supports amendments providing the scheme coordinator with new compliance powers related to bale claims.
- Streamlined container approvals and transfers, with glass and aluminium containers able to receive automatic approvals (if criteria are met), minor changes to approvals being actioned without triggering full public processes, and transfers of container approvals simplified to a notification-based process. However we note that it is important when implementing this that there is an agreed procedure that works for the scheme and operators to avoid the disputation we have seen over time in South Australia as a result of using of a weighted method.
- Reduced reporting for small suppliers with under 150,000 containers per year, who can report and pay annually instead of quarterly, aligning WA with “micro-supplier” thresholds in other jurisdictions such as Queensland which has set a 100,000 annual threshold for ‘micro beverage manufacturers’.

ii. Regulation 3B should be revised to continue to exclude wine sachets from the scheme

Amendments to regulations 3A and 3B amend what is not included as a ‘beverage’ or ‘container’ for the purpose of the scheme. This includes lifting 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’, and lifting 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. This expansion is intended to increase recycling outcomes and reduce consumer confusion.

In WMRR’s view, non-recyclable aseptic packs and wine sachets should not be included in the scheme as these are not recyclable at scale in Australia (or globally) and simply deeming that it will increase recovery though including in the scheme in the absence of any recycled content standards or producer

obligation will simply place pressure on the network to find solutions that will not be economically viable and will come at a broader cost to the scheme. Their inclusion also risks endorsing greenwashing and creating consumer confusion, including the false perception that other non-beverage aseptic packaging (such as yoghurt and baby food pouches) is recyclable.

Before the restrictions on these types of containers are lifted, producers must be required to demonstrate where and how these materials can be recycled in Australia, in line with ACCC Green Claims guidance. WMRR notes that in NSW, provisions ensuring beverage containers are practically recyclable through existing recycling infrastructure are in place: all containers must be approved by the NSW EPA before they can be supplied in NSW and recyclability through the scheme is a key criterion in the assessment. Without this requirement, additional costs and pressure will fall on the scheme and network operators, risking stockpiling and disposal of materials rather than delivering genuine resource recovery outcomes.

iii. Transition provisions need to include mechanisms for local governments and MRF operators to amend existing contractual kerbside recycling agreements

The 36-month transition period for labelling and barcodes for newly included containers (“transitioned containers”) is appropriate, providing suppliers with a defence if refund marks or barcodes are not yet in place. However, whilst WMRR applauds the inclusion of transition timeframes and provisions within the draft regulations to address issues such as labelling, stored container eligibility, etc to ensure a smooth transition for the beverage suppliers, further attention needs to be given to agreements with MRF operators and local government to address any impacts that this change in scope will have on existing municipal MRF processing contracts and the longer term viability of MRFs. In Queensland for example, we are seeing regional MRFs being significantly adversely impacted following the expansion of that scheme in 2024.

According to the latest [Waste Authority data for 2023–24](#), glass accounted for 20% of the 0.4 million tonnes of material recycled from the MSW stream. WMRR requests that a clear and agreed transition process is developed by DWER for existing local government MRF contracts, as the scheme expansion may affect the commercial position of both councils and MRF operators.

iv. Transparency is a key to ongoing public confidence in the Scheme - Minimum Network Standards should continue to be reviewed annually

In WMRR’s view, transparency is needed over the operation of state-based schemes and the proposed longer review cycle for Minimum Network Standards (every five (5) years instead of annually) should be reconsidered. WMRR notes the recent Health, Environment and Innovation Committee inquiry into [Improving Queensland’s Container Refund Scheme](#) in which the “... committee received substantial evidence suggesting that problems were ‘baked into’ the scheme’s structure from the outset, contributing to serious governance and accountability failures by Container Exchange (Qld) Limited—known as COEX—the Product Responsibility Organisation appointed to administer the scheme”. Fundamental weaknesses in the scheme’s design, compounded by governance failures, had undermined its effectiveness from the start. Similarly, the [NSW Statutory review of the NSW Container Deposit Scheme](#) also emphasised the need for greater visibility of recycling outcomes of the schemes,

with extra information on where container material is sent for recycling and what it is used for being added to the annual report.

In line with the need for scheme transparency and accountability, it follows that WMRR strongly supports the new requirement to notify the Minister and CEO of serious work health and safety incidents.

v. Harmonisation efforts should be regularly reviewed

WMRR appreciates that the draft regulations have been cognisant of an expanded role for the scheme coordinator to support a future national CDS portal. WMRR also notes that the draft regulations are cognisant of anomalies in cross-border practices, with the redemption of containers from interstate not allowed. This protects WA suppliers from paying refunds for containers sold in other states or territories that are not eligible for a refund in WA. Given the pace at which the states are aligning on CDS schemes, this should be monitored closely so that once states are aligned, the community can redeem containers supplied to the one (1) national market.

vi. Further considerations outside the scope of regulation

To best support the expansion of the scheme, WMRR urges DWER to consider requiring containers registered under the scheme to include a percentage of Australian recycled content to drive circularity, including creating jobs and investment in Australia. WMRR appreciates that the Commonwealth is considering a range of reforms to increase the content of recycled material in packaging, including design standards and recycled content requirements, and these should align with the national CDS schemes as we see in Europe with their *Packaging & Packaging Waste Regulation* (PPWR) scheme which requires each EU member state to implement a deposit system for cans and plastic bottles by 2029 – (enhancing the *European Union's Single-Use Plastics Directive* (SUPD) which mandates plastic bottles must contain at least 30% recycled content by 2030 and requires each EU member state to separately collect 90% of single-use plastic bottles for recycling by 2029).

Furthermore, a funded state-wide public education campaign on the final agreed containers will be required to ensure optimal recycling outcomes.

WMRR trusts that these comments will be given due consideration by DWER in finalising the draft regulations. Please contact the undersigned if you wish to further discuss WMRR's submission.

Yours sincerely



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