

# Container approval guidance – FAQs for beverage suppliers

On 1 October 2020, Western Australia's container deposit scheme [Containers for Change](#) will commence. From that time all eligible containers supplied into Western Australia must be approved and the first responsible suppliers will need to enter into a supply agreement with the scheme coordinator, [WA Return Recycle Renew Limited](#) (WARRRL).

## What are eligible containers?

Most beverage containers between 150 millilitres and three litres in volume are covered by the scheme and include:

- soft-drink cans and bottles
- bottled waters – both plastic and glass
- small flavoured milk drinks
- beer and cider cans and bottles
- sports drinks and spirit-based mixed drinks.

Generally, ineligible containers include:

- all plain milk bottles
- grape wine bottles
- pure spirit bottles
- cordial and registered health tonics
- pure juice containers 1 litre and over, or under 150ml.

Further detail is available in the [FAQ on the Containers for Change website](#) and in the [eligible containers](#) document published by the Department of Water and Environmental Regulation (the department).

## Who needs a container approval?

First responsible suppliers must ensure their eligible beverage products have a valid container approval. It is an offence to supply eligible beverage products without a supply agreement, barcode, refund mark and container approval under s.47E of the [Waste Avoidance and Resource Recovery Act 2007](#) (the Act).

The first responsible supplier is the person (or company) who first supplies the beverage product in the state. This is defined in s.47D (1) of the Act.

WARRRL has developed [guidance on who is a first responsible supplier](#).

If a first responsible supplier checks the Containers for Change product registry and finds their product is already approved, they will not need to apply for a container approval. The product registry is available on the [Containers for Change website](#).

However, *all* first responsible suppliers will need to enter into a supply agreement with WARRRL. Supply agreements will be available on the [WARRRL website](#) from 27 August 2020, when WARRRL's portal comes online.

## **What is a container approval?**

A container approval is a formal authorisation from the department that an eligible container meets the requirements of the [Waste Avoidance and Resource Recovery \(Container Deposit Scheme\) Regulations 2019](#).

Subject to meeting other requirements under the regulations (the first responsible supplier entering into a supply agreement with WARRRL; the container having a barcode; and the container having the required refund mark) approved containers may be sold in Western Australia.

## **Is my container approval from other jurisdictions valid in WA?**

No. A Western Australian approval is required to supply a container into Western Australia.

To assist first responsible suppliers, WARRRL made an application on suppliers' behalf for almost 15,000 containers. As a result, almost all the containers that are currently approved for supply in Queensland are now also approved for supply in Western Australia. The summary of the approved products registered in WARRRL's name can be found on the [Containers for Change website](#).

## **How much does it cost for a container approval application?**

There is no fee for a container approval application.

## **How long does a container approval last?**

Most container approvals will have no expiry date. However, the [Waste Avoidance and Resource Recovery \(Container Deposit Scheme\) Regulations](#) allow for a container approval to be granted for a limited term.

The Australian Packaging Covenant Organisation (APCO) has identified polyvinyl chloride (PVC) as a problematic and unnecessary single-use plastic packaging to be phased out by 2025. Subject to the scheme coordinator's advice through the approval process, approval of

containers using PVC (whether in the container, label or lid) may be time limited, with the approval to expire in 2025 to align with APCO's position.

## How do I apply for a container approval?

Applications are made through the [WARRRL website](#). WARRRL will then manage the process of referring the application to the department for determination.

## How are container approval applications assessed?

When an application is lodged, the scheme coordinator will review the application and provide advice to the CEO of the department.

The main factor the department will consider is whether the container material is capable of being recycled or reused, in accordance with the requirements of r.3J, 3K and 3M of the [Waste Avoidance and Resource Recovery \(Container Deposit Scheme\) Regulations 2019](#).

It is important to note an eligible container that is technically *recyclable* must also have a means by which the container is actually able to be recycled.

- Can the container material be readily identified for sorting?
- If the container material (including the label and lid) cannot be identified and separated, will it contaminate the recycling stream?
- Is there a facility inside Australia or overseas (not covered by an export prohibition) that can crush/shred/separate or reprocess the container materials for recycling or reuse?

The CEO will consider WARRRL's advice, and may seek further information from the applicant or any other person to inform the decision about whether to grant an approval for the container. This may include information about the material's recyclability.

## What is meant by materials that may contaminate the recycling stream?

Some materials (particularly some types of plastics) cannot be readily separated in current recycling processes and may significantly degrade the quality of existing recycling streams.

For example, polyactic acid (PLA) and PVC are contaminants in polyethylene terephthalate (PET) recycling processes and reduce the quality of PET. This is one of the reasons that the Australian Packaging Covenant identified PVC as a plastic packaging material to be phased out by 2025.

To manage the risk of contaminating the significant amount of PET currently recycled, beverage containers made of polyactic acid (PLA) are not likely to be approved without advice from the scheme coordinator that arrangements can be established to identify, separate and recycle the material.

## How long will it take to receive a container approval?

The [Waste Avoidance and Resource Recovery \(Container Deposit Scheme\) Regulations 2019](#) set out maximum time frames for making a decision about a container approval (r.3I, 3J, and 3M).

The scheme coordinator will review the application and provide advice to the CEO of the department within 10 business days.

The CEO may seek additional information on the recyclability of the container.

The CEO must make a determination within 20 business days after all requests for information have been complied with.

If the container is approved, the scheme coordinator must publish the details of the container approval on the product register within five business days.

If the container is refused, the CEO must notify the applicant within 10 working days and provide the grounds on which the approval was refused.

## How will I know if my container approval application has been successful?

Container approvals will be publicly available in the [Containers for Change](#) product registry.

The CEO of the department will notify the applicant directly if an application you made has been rejected.

## Do I need a container approval for every new product I produce?

Yes. Every new product will require a separate beverage container approval. If it has a separate barcode, it needs a separate approval.

## Can I appeal if my container approval application is rejected?

Yes. Section 47H of the [Waste Avoidance and Resource Recovery Act 2007](#) allows for a first responsible supplier to apply to the [State Administrative Tribunal](#) for a review of a decision by the CEO in relation to the rejection of a container approval.

## Does my container need a refund mark?

Yes.\* A first responsible supplier commits an offence when the beverage product is first supplied in the state unless the container used for the beverage product displays a refund mark that complies with the requirements prescribed by the regulations (s.47E(2)(c) of the [Waste Avoidance and Resource Recovery Act 2007](#)).

The refund mark must state:

‘10c refund at collection depots/points in participating state/territory of purchase’ in clear and legible characters.

\*There is a 24-month transition period for displaying the refund mark from the date of commencement of the scheme (r.41).

All beverage containers must display a valid refund mark two years after the scheme starts (i.e. 1 October 2022).

## Does my container need a barcode?

Yes. A first responsible supplier commits an offence when the beverage product is first supplied in the state unless the container used for the beverage product displays a barcode that complies with the requirements prescribed by the regulations (s.47E(2)(c) of the [Waste Avoidance and Resource Recovery Act 2007](#)).

There is no transition period for providing a valid barcode. Beverage containers without a valid barcode may not receive a container approval.

The requirements for a barcode on every container are set out in r.3H of the [Waste Avoidance and Resource Recovery \(Container Deposit Scheme\) Regulations 2019](#).

Beverage products sold only in multipacks and not intended for individual sale must still display a barcode on each individual product as detailed in r.3H(4) and 3H(5).

## Is my WA container approval valid in other jurisdictions?

You must check with other Australian jurisdictions regarding their specific requirements for a container approval or registration.