

NSW Container Deposit Scheme: Retailer obligations

Retailers must ensure eligible beverages show the 10c refund marking. Penalties may apply to people who supply or offer to supply eligible 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. Since it began, more than eight billion containers have been returned and the volume of drink container litter has fallen by 52%.

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

Drinks suppliers are an integral part of *Return and Earn*, but did you know that retailers have obligations too?

Check your eligible stock

To avoid penalties and to ensure your customers can redeem their containers for a 10c refund, you should check your existing stock to ensure it's compliant.

What is a compliant container?

All containers must be **approved** by the NSW Environment Protection Authority (EPA) and display the words **'10c refund at collection depots/points in participating state/territory of purchase'**, in clear and legible characters.



The requirement for the refund marking applies at all points in the supply chain. Retailers who supply or offer to supply eligible containers that do not display the correct refund marking may be fined up to \$3000 on the spot, in accordance with [s 39 of the Act](#).

Container approvals

Each class of eligible beverage container must be approved by the EPA before it can be supplied in NSW. The person who first supplies the beverage in NSW is responsible for ensuring the container is approved. In some cases, the first supplier may be the retailer. It is an offence to supply containers that are not approved. For more information about supplier obligations see the fact sheet [NSW Container Deposit Scheme: Supplier obligations](#).

If you are the first supplier of a beverage container, you can check if a container is already approved by using the [Return and Earn container search tool](#).

Does not apply to all drinks

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 need approval or the refund marking. These include (but are not limited to):

- 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
- glass containers for wine and spirits.



How can I ensure I am compliant?

Talk to your suppliers

Ask your suppliers to demonstrate that their containers show the refund marking and have active container approvals.

Check it before you accept it

Look at incoming stock to check it shows the refund marking.

Use the [Return and Earn container search tool](#) to check if the stock is approved.

If the stock fails one or both of these checks you can reject the delivery and ask the supplier to only supply compliant containers.

Consider alternatives

There may be temporary solutions that you can adopt to avoid the sale of non-compliant stock. Contact the EPA for more information.

Why is it important?

Displaying the correct refund marking is an important step to encourage consumers to return eligible containers to approved return points.

Correct refund labelling will help to maximise the number of eligible containers returned, and reduce the amount of time and effort people spend trying to return ineligible containers.

The refund marking wording has been agreed to by all states and territories that currently have container deposit schemes.

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 *Return and Earn* comply with the legislation. We aim to be a modern and effective regulator that exercises its statutory authority fairly and credibly.

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

We are here to help

More information, including fact sheets about the container approval process, supplier obligations and 'check it before you accept it', is available on the [EPA website](#).

If you have any questions about these requirements, please contact the EPA:

- phone: 131 555
- email: container.approval@epa.nsw.gov.au.

References

EPA 2017, *Role of first suppliers of drink containers*, www.epa.nsw.gov.au/your-environment/recycling-and-reuse/return-and-earn/role-of-first-suppliers-of-drink-containers

Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017 ('the Regulation')

Waste Avoidance and Resource Recovery Act 2001 ('the Act')

NSW Environment Protection Authority

Email: container.approval@epa.nsw.gov.au

Website: www.epa.nsw.gov.au

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