

Conditions of CDS supplier registration

The amended Act

Amendments to the [Environment Protection \(Beverage Containers and Plastic Bags\) Act 2011](#) (the Act) establish a framework for Container Deposit Scheme (CDS) supplier registration and remove the need for regulated containers supplied into the Northern Territory (NT) as part of the CDS, to be approved.

These changes come into effect on 2 October 2021.

From 2 October 2021, a supplier (manufacturers, distributors and retailers) must be registered as a CDS supplier to supply regulated containers for sale in the NT. It is an offence against:

- section 13 of the Act for a person to supply a beverage in a regulated container to a beverage retailer for sale by the retailer unless the person is a CDS supplier
- section 14 of the Act for a beverage retailer to sell a beverage in a regulated container that is not a permitted container. It is an offence under the CDS for a retailer to sell regulated containers that have not been approved for sale that are not *permitted containers* in the NT.

A *permitted container* is a regulated container that is supplied in the NT by a CDS supplier, and that bears the approved refund marking, that is either of:

- "10c refund at collection depots/points in participating State/Territory of purchase"
- "10c refund at SA/NT collection depots in State/Territory of purchase"
- "10c refund at collection depots when sold in NT"

Existing supply approval holders

Any supplier that holds a valid CDS supply approval immediately before commencement of these amendments on 2 October 2021 is considered to be a CDS supplier under a new section 106 of the Act. Eligible supply approval holders will be issued a CDS supplier registration certificate with conditions¹. Registration may be granted for up to 10 years. The conditions of registration imposed under new section 41D of the Act are set out below.

Section 41D Conditions of registration

(1) The following conditions are imposed on registration:

- (a) the CDS supplier must not supply regulated containers in the Territory unless:
 - (i) the material types of the containers (including the labels) are suitable for recycling or reuse; and
 - (ii) the containers bear the approved refund marking; and
 - (iii) the way the refund marking is applied to the containers is not likely to render the containers

¹ Subject to you providing additional information, should this be required to facilitate the issue of the certificate.

unsuitable for recycling or reuse; and

- (iv) the containers are the subject of a supplier arrangement to which the supplier is a party;
- (b) the CDS supplier must, at all times while registered, be a party to one or more supplier arrangements that meet the requirements specified in section 41C(2)(b);
- (c) the CDS supplier must give each CDS coordinator with whom the supplier has a supplier arrangement the following:
 - (i) a document (a *container identification document*) that, for each regulated container to which the arrangement relates and that is supplied for sale in the Territory, lists:
 - (A) if the container displays a barcode – the barcode of the container; or
 - (B) otherwise – the name of the manufacturer or distributor of the container and one or more of the relevant characteristics of the container;
 - (ii) within the prescribed period – a document for each quarter specifying the total number of regulated containers, by reference to material types, that have been sold by the supplier in the Territory during the quarter (a *supplier sales document*);
- (d) the CDS supplier must give the NT EPA written notice of the occurrence of any of the following events, within 5 business days after the event occurs:
 - (i) the supplier terminates or enters into a supplier arrangement;
 - (ii) the supplier ceases to supply regulated containers in the Territory;
- (e) the CDS supplier must, on request, give the NT EPA a document that, for each regulated container that the supplier supplies for sale in the Territory, lists:
 - (i) if the container displays a barcode – the barcode of the container; or
 - (ii) otherwise – the name of the manufacturer or distributor of the container and one or more of the relevant characteristics of the container;
- (f) the CDS supplier must, on request, give the NT EPA a copy of all waste management arrangements to which the supplier is a party;
- (g) any other conditions imposed by the NT EPA and stated in the registration certificate.

(2) In this section:

prescribed period, for a quarter, means 21 days after the end of the quarter.

relevant characteristic, of a container, means any of the following:

- (a) the name of the product the container is made to contain;
- (b) the container contents when full;
- (c) the container capacity;
- (d) the container material.

Requirements of CDS supplier registration

Compliance with conditions of registration

Failure to comply with a condition of CDS supplier registration, or a supplier arrangement may be considered a ground under sections 41K and 41L of the Act for suspension or cancellation of registration.

Supplier arrangements

A supplier arrangement is a waste management arrangement that deals with the requirements of section 11 of the Act

Notification of changes

- A CDS supplier must, give the NT EPA notice within 30 days of a change in the supplier's name, address or contact person, and provide the new details. Penalties apply (new section 41P)
- If a CDS supplier is no longer producing or supplying regulated containers, the supplier may surrender the CDS supplier registration by giving notice to the NT EPA (new section 41J)

Notices to the NT EPA may be submitted in any of the following ways:

- E-mail: containerdeposit@nt.gov.au (preferred)
- Fax 08 8942 6554
- Post: GPO Box 3675 DARWIN NT 0801

Further information on CDS supplier registration is available on: <https://ntepa.nt.gov.au/your-business/container-deposit-scheme-industry-information>