

23 December 2016

Container Deposit Implementation Team
Waste and Resource Recovery Branch
NSW Environment Protection Authority

Via email: container.deposit@epa.nsw.gov.au

WFA Comments on the draft Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2016

The Winemakers' Federation of Australia (WFA) is the national peak body for Australia's winemakers. We represent the interests of Australian winemakers and grape growers of all sizes on national and international issues affecting the Australian Wine Sector, through a single organisation.

WFA membership represents around 80 per cent of the national wine grape crush and includes small, medium and large winemakers from across the country's wine-making regions. WFA works in partnership with the Australian Government and the grape growers' industry organisation, Australian Vignerons, to develop and implement policy that is in the wine sector's best interests.

The WFA is pleased to provide the following comments in response to the draft Container Deposit Scheme (CDS) Regulation. We also note our previous submissions, dated 25 February 2016 and 21 September 2016. These comments should be read in conjunction with those earlier representations.

Litter reduction goal must remain the priority of the CDS

The WFA supports the Premier's goal of significantly reducing the volume of litter in New South Wales by 2020, and notes that the stated key objective of the proposed CDS is litter reduction. Consistent with this objective, we are very supportive of the exemption of the majority of wine containers given their minimal appearance in the litter stream, as evidenced by previous reports (noted in our previous submissions) including the South Australian experience under a CDS.

Regulations must be consistent with SA and NT

WFA supports the general exemptions for wine in a variety of containers but emphasises that the regulations must be consistent with the South Australian (SA) and Northern Territory (NT) schemes in order to minimise industry costs and red tape. In addition, the interpretation of the CDS regulations by the NSW EPA must be consistent with that applied by other schemes.

We also note that the detail of the regulations should be consistent with the SA and NT schemes. Many wine businesses in Australia, particularly the larger companies, are selling their wine through

national distributors and/or retail outlets and the difficulties and regulatory impost involved in reporting against even minor differences, can be costly.

For example, under Item 5, the exclusion of containers made of plastic and foil designed to contain 250ml or more of wine should be consistent with the SA and NT schemes which also exclude containers made of plastic **or** foil. Similarly, the definition of wine under Item 5 should also refer to the Food Standards Code consistent with the definitions in the SA and NT legislation.

Continue consultation with industry

The WFA urges the Government to commit to thorough consultation with industry in regard to any future change in scope of this legislation, given the potential significant costs and cross border issues. We are also available at any time to discuss our views.

Administration processes, including labelling, must be nationally consistent and applicable

Many of our members also produce products that are subject to the CDS. While details about labelling requirements are not yet known, it will be extremely important that these be able to be applied and/or recognised across all jurisdictions without the requirement for specific state or territory references.

As more state and territory governments seek to develop and implement CDS schemes it is critical to industry that the NSW legislation and regulatory framework be nationally consistent. The WFA supports the views of the Australian Food and Grocery Council (AFGC) relating to the scheme structure and administration, particularly in relation to consistent labelling and reporting requirements. The overriding priority should be to minimise the regulatory cost to business and thereby to the consumer.

We also note our views are endorsed by one of our largest members, Treasury Wine Estates, who has submitted complementary comments on the draft regulations with specific examples of concern.

We look forward to ongoing consultation. If you have any queries relating to this submission, please contact Nicole Cosgrove, Manager, Government Relations (nicole@wfa.gov.au 0490 187 240).

Yours sincerely



Tony Battaglione
Chief Executive Officer