

FIRST SUPPLY APPROACH FOR THE CONTAINER DEPOSIT SCHEME (CDS) IN NSW AND THE ACT

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The first supplier definition and first supply approach are used to determine how suppliers of eligible drink containers fit into the NSW and ACT CDS, and can apply to beverage manufacturers, importers, distributors, wholesalers and retailers.

What is first supply?

- First supply is the supply of beverages in containers that are sold or given away in the course of carrying on a business.

Who is the first supplier?

- The first supplier is the owner of the containers first-supplied into NSW and/or the ACT.

What does it mean if I am the first supplier?

If you are the first supplier, you are required to:

1. [Register](#) and enter into a supply arrangement with Exchange for Change (EfC), scheme coordinator for the NSW and ACT CDS;
2. [Register](#) each type of eligible drink container that you supply into NSW and/or the ACT.

How do I find out if my drink containers are eligible?

Most drink containers between 150 millilitres and three litres that are consumed out of the home are eligible. Container materials that may be eligible include:

- PET - Polyethylene terephthalate
- HDPE - High-density polyethylene
- Glass
- Aluminium
- Steel
- LPB - Liquid paperboard

Some beverages and containers that are not eligible include:

- Plain milk or milk substitute containers
- Flavoured milk containers of one litre or more
- Pure fruit or vegetable juice containers of one litre or more (comprising at least 90% pure juice content)
- Glass containers for wine and spirits
- Casks (plastic bladders in boxes) for wine and casks for water of one litre or more
- Sachets for wine of 250 millilitres or more
- Containers for cordials or concentrated fruit and vegetable juices
- Registered health tonics.

These exclusions are consistent nationally where a container deposit scheme is in place.



I am still unsure if I am the first supplier, what do I do?

Here are some scenarios and examples of first suppliers. Remember, you can be the first supplier as a beverage manufacturer, importer, distributor, wholesaler or retailer. If you are a distributor or importer that covers the cost of delivery or freight for importing beverages into NSW or the ACT then you are the first supplier.

Category	Scenario	First supply point	First supplier
Manufactured in NSW	Manufactured in NSW, supplied to a distributor/retailer in NSW	Supply from manufacturer to distributor/retailer	Manufacturer
	Manufactured/bottled in NSW, supplied by delivery to a distributor/retailer outside NSW	None (as no supply in NSW)	None (as no supply in NSW)
	Manufactured/bottled in NSW, supplied to an airline or cruise ship catering in NSW	Supply from manufacturer to distributor/retailer	Manufacturer
Manufactured outside NSW	Manufactured outside NSW, supplied by delivery to a distributor/retailer in NSW	Supply from manufacturer to distributor / retailer	Manufacturer
	Manufactured outside NSW, supplied to a distributor outside NSW, distributor supplies by delivery to retailer in NSW	Supply from distributor to retailer	Distributor
	Manufactured/bottled outside NSW, supplied to a retailer outside NSW, retailer transports containers to NSW and sells them in NSW	Supply from retailer to consumer	Retailer
	Manufactured outside NSW, sold to retailer outside of NSW, retailer sells to consumer in NSW (via online, etc.)	Supply from retailer to consumer	Retailer

* Manufacturing includes bottling or any other beverage production

** Retailer also may include community groups, not-for-profits or organisations running promotions

CONTRACT BOTTLERS

I am contract bottler in the ACT. Am I the first supplier?

No.

I am contract bottler in NSW. Am I the first supplier?

In NSW, a contract bottler will only be the first supplier where they procure both the containers and the beverage on their own account as well as then providing the beverage in the containers to its Customer (such as a Manufacturer). If a contract bottler is supplied with either the containers or the beverage by the Customer, or as agent for the Customer, the contract bottler is not considered to be the first supplier. The following table gives some scenarios and examples.

Scenario	Is the Bottler the first supplier?
Contract Bottler supplies to the Customer in NSW a beverage product with the Customers labelling/branding that the Bottler has manufactured and bottled	Yes. The contract bottler has supplied a beverage in a bottle, notwithstanding it has the customer's label on the product.

Scenario	Is the Bottler the first supplier?
Contract Bottler is contracted by the Customer to bottle a beverage the Bottler has manufactured in containers supplied by the Bottler according to the Customer's specifications. Customer takes delivery of the finished product in NSW.	Yes. The contract bottler has supplied a beverage in a bottle, notwithstanding the containers are proprietary to the customers specifications.
Contract Bottler is contracted by the Customer to manufacture a beverage according to Customer's formula and to bottle the beverage in containers provided by the Bottler according to the Customer's specifications. Customer takes delivery of the finished product in NSW.	Yes. The Bottler has supplied a beverage in a bottle, notwithstanding the beverage and the bottle have been produced by the bottler according to the Customer's specifications.
Contract Bottler is contracted by the Customer to manufacture beverage according to Customer's formula and to bottle the beverage in containers provided by the Bottler according to the Customer's specifications. Bottler orders the raw materials to make the beverage or the container as an agent of the Customer and the Customer pays the suppliers of those raw materials directly. Customer takes delivery of the finished product in NSW.	No. There is not a supply of a beverage in a container by the Bottler. Customer is the first supplier if it then supplies the product in NSW.
Contract Bottler is contracted by the Customer to bottle a Bottler-produced beverage in containers supplied by the Customer. Customer takes delivery of the finished product in NSW	No. There is not a supply of a beverage in a container by the Bottler. Customer is the first supplier if it then supplies the product in NSW.
Contract Bottler is contracted by the Customer to manufacture a beverage according to the Customer's formula and to bottle the beverage in containers provided by the Customer. Customer takes delivery of the finished product in NSW.	No. There is not a supply of a beverage in a container by the Bottler. Customer is the first supplier if it then supplies the product in NSW.
Contract Bottler is contracted by the Customer to bottle a beverage provided by the Customer in containers provided by the Bottler as specified by the Customer. Customer takes delivery of the finished product in NSW.	No. There is not a supply of a beverage in a container by the Bottler. Customer is the first supplier if it then supplies the product in NSW.
Contract Bottler is provided with the beverage and containers by the Customer and is contracted by the Customer to bottle the beverage in the containers. Customer takes delivery of the finished product in NSW.	No. There is not a supply of a beverage in a container by the Bottler. Customer is the first supplier if it then supplies the product in NSW.
Contract Bottler is mobile and bottles the Customer's beverage in the Customer's containers at the Customer's site in NSW.	No. There is not a supply of a beverage in a container by the Bottler. Customer is the first supplier if it then supplies the product in NSW.

Further information

- Find out about the Queensland container deposit scheme <https://www.containersforchange.com.au/qld/>
- Find out about the Western Australian container deposit scheme <https://www.containersforchange.com.au/wa/>
- Find out about the Northern Territory container deposit scheme <https://ntepa.nt.gov.au/your-environment/container-deposit-scheme>
- Find out about the container deposit scheme in Victoria <https://www.vic.gov.au/container-deposit-scheme>
- Find out about the container deposit scheme in Tasmania <https://nre.tas.gov.au/environmental-management/container-refund-scheme>

If you need further advice about the first supply approach, or you have any questions about the NSW CDS or the ACT CDS, please contact EfC on **1800 813 887** or customersupport@exchangeforchange.com.au.

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