



DRAFT RECYCLING AND WASTE REDUCTION BILL 2020

STAKEHOLDER SUBMISSION

Due 11:59pm - Tuesday 21 July 2020

Name of organisation	National Waste & Recycling Industry Council (NWRIC)
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Expected interaction with the Recycling and Waste Reduction Bill 2020 (e.g. as an exporter of waste, as a participant in an existing voluntary or co-regulatory product stewardship arrangement, other - please specify)	<p>The National Waste and Recycling Industry Council (NWRIC) is a not for profit industry association, funded by major waste and recycling businesses operating Australia wide. It brings together national waste and recycling business leaders and affiliated state waste and recycling associations to formulate policies that will advance waste and recycling services in Australia. Ensuring a safe, fair and sustainable waste and recycling industry.</p> <p>NWRIC members are exporters of recycled materials as well as service providers to and operators of national product stewardship schemes including those regulated or accredited by the Commonwealth Government.</p>
<p>Please forward your submissions by 11:59pm – Tuesday 21 July 2020 to legislative.design@awe.gov.au</p>	

The responses provided below are the NWRIC’s initial response to the exposure draft. The NWRIC is still awaiting feedback from some members which it will forward to the department by no later than 5pm on Friday 24th July 2020.

Objects of Act

While the NWRIC on the whole supports the objects of the proposed Act, it strongly requests a minor change to that clause 2 (c) be amended as highlighted in yellow

- a) *encouraging those responsible for **using,** designing, manufacturing, distributing **and retailing** products to take responsibility for those products, including by taking action that relates to:

 - I. *reducing or avoiding generating waste through improvements in product design; and*
 - II. *improving the durability and repairability of products;*
 - III. *managing products throughout their life cycle.**

The intent of product stewardship is that ultimate responsibility for the environmental and human health impacts of the product through-out its life cycle is taken by those organisations who create and put those products on to the market. Users are not in a position to improve product design, durability, repairability or manage a product through its lifecycle.

Likewise, those who create and put products on to the market should encourage and educate product users on how they can best repair, reuse and dispose of products responsibly. It is NOT the product users' responsibility to set up repair, reuse, collection, recycling or disposal methods.

Waste Definitions and the Export Ban component of the legislation

The NWRIC is concerned that the waste definitions use in the proposed Act, specifically "waste", "waste materials", "regulated waste material" are confusing and inconsistent with existing state jurisdictions definitions. To avoid confusion harmonisation of the definition of waste with the definitions used in many of the States would prevent this confusion. Victoria, Queensland and NSW have definitions which may provide a valuable template. Also "regulated waste" has very specific meanings under a number of state jurisdictions and the NWRIC strongly advises not to use that term as presently proposed in the Act.

The NWRIC suggests the Department consider using the following terms instead "waste" i.e. defined so consistent with existing definitions used by Victoria, Queensland and NSW, "banned waste" i.e. that waste that is covered by a rule that cannot be exported, "processed waste" that material that can be exported subject to the conditions outlined in the rule.

Licensing and declaration scheme

Overall the NWRIC supports the **licensing and declaration** scheme. However, it is concerned that the **exemption** process could potentially provide a loophole for companies to avoid the license and declaration scheme and give them an unfair advantage in the marketplace. It is strongly recommended that all exemptions should be capped at a maximum of three (3) shipments and for a maximum term of 3 months. With the condition that the organization being granted the exemption must apply for a license within a required timeframe. The cost to apply for an exemption should be the same as applying for a license and declarations.

Record-keeping requirements from an initial review seem reasonable. What is important here is clarity on what is required and how long that information must be held for by the licensed exporter.

Publishing of licenses. We note and welcome that all approved licensed details will be published on the Department website. The information published should also include which waste materials are covered by license and the license period

The NWRIC also request that the Department publish all applications for an export including name, address of applicant, date application submitted, and waste materials being applied for. This would be consistent with current practice under the Hazardous Waste Act for permit applications.

Offences and penalties

The NWRIC is still reviewing the specific details of the proposed offences and penalties. However, as an underlying principle, penalties for the illegal export of banned waste should be significant. Whereas penalties for minor non-compliance (e.g. a minor administrative matter) should be small. However, repeat offenders of minor non-compliance should then have their license suspended i.e. 3 strikes and you are out. This is consistent with industry practice.

Waste glass rule

Response to be provided by 24 July, still awaiting feedback

Auditing

Response to be provided by 24 July, still awaiting feedback

Fees & Charges

Response to be provided by 24 July, still awaiting feedback

Product list and Voluntary Accreditation

The NWRIC's preference is for regulated product stewardship schemes over voluntary, to ensure all businesses participate and are accountable for delivering agreed government and industry outcomes.

However, it considers the proposed changes to the **priority product list** and **voluntary accreditation** under the Act, together with the funding will go a long way to ensuring manufacturers, brands, and retailers do not sidestep their stewardship responsibilities and deliver meaningful outcomes transparently. Consumers expect no less.

It welcomes that batteries, photovoltaics and all electrical and electronic equipment are on the current product list and request that the following recommended actions and timeframes be included on the list.

Batteries - a comprehensive national battery recycling program in place and funded by **ALL** battery brands by the end of 2020. More and more batteries are incorrectly ending up in rubbish and recycling bins, causing fires in collection trucks, processing facilities and landfills on a monthly if not weekly basis, putting lives at risk and causing environmental damage.

Electrical and electronic equipment - the NTCRS be expanded to include all products with a plug or a battery and that this scope be brought into effect by the 1 July 2022. Many of today's electrical and electronic appliances are made from a variety of plastics, metals and composite materials that potentially contain hazardous substances. These need to be safely collected, transported and processed separately from kerbside recycling.

Liability parties (clause 75)

The NWRIC strongly requests that the word "used" be replaced with either "retailed" or "sold" as per the reasons outlined in regard to the Object of the Act.

An organisation that uses a product is not in a position to improve product design, durability, reparability or manage a product through its lifecycle. This is the responsibility those corporations who create and put products on to the market. Corporate users should be encouraged and educated on how they can best repair, reuse and dispose of products responsibly.

(1) A **liable party**, in relation to a product, is a person specified as a liable party in relation to that product in the rules.

(2) However, a person is a **liable party** in relation to a product only if the person:

(a) is a constitutional corporation; and

(b) has at any time:

(i) manufactured the product in Australia; or

(ii) imported the product into Australia; or 10

(iii) distributed the product in Australia; or 11

(iv) **used** **retailed** the product in Australia.

This change does not prevent the cost of running a product stewardship scheme being recovered from those who use the products through the sale price of that product.

Voluntary Accreditation Rule

Response to be provided by 24 July, still awaiting feedback

Television and Computers Rule

Response to be provided by 24 July, still awaiting feedback

Other Product Stewardship Matters

While not addressed through the legislation the NWRIC also considers that a key eligibility criteria for the product stewardship investment fund is that the applicant must either be an existing accredited or regulated scheme or formally intending to be voluntarily accredited within 12 months of funding.

Likewise, current schemes for paint, tyres, printer cartridges, mattresses, and agricultural chemical drums should not receive funding unless they formally intend to become accredited under the Act by the end of 2020.

Finally, the Commonwealth Government, through its proposed revision of sustainable procurement guidelines, should preference organisations that are participants in a voluntary accredited or regulated product stewardship scheme over those that are not. This is a fundamental requirement of any positive procurement process.

The NWRIC welcomes the recommendations of the review of the Product Stewardship Act and the release of the \$20 million Product Stewardship Investment Fund. This is a very important piece of reform necessary to drive greater re-circulation of resources in the economy and less materials going to waste and harming the environment. It is a strong and positive response from the Australian Government.

NWRIC CONTACT DETAILS

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