

Department of Agriculture, Water and Environment
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To whom it may concern

**Review of the co-regulatory arrangement under the National
Environment Protection (Used Packaging) Measure 2011**

The National Waste and Recycling Industry Council (NWRIC) welcomes the opportunity to provide a submission in response to the Consultation Paper *Review of the co-regulatory arrangement under the National Environment Protection (Used Packaging) Measure 2011*.

The 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.

Please see attached response from the NWRIC. The NWRIC would also welcome the opportunity to present to the Department.

Yours sincerely,



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MEMBERS

Cleanaway | JJ Richards and Sons | Veolia |
Solo Resource Recovery | Sims Metals
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STATE AND TERRITORY AFFILIATES

Waste Recycling Industry Queensland
(WRIQ) | Waste Contractors and Recyclers
Association of NSW & ACT (WCRA) | Victorian
Waste Management Association (VWMA) |
Waste Recycling Industry of South Australia
(WRISA) | Waste Recycling Industry of
Western Australia (WRIWA) | Waste Recycling
Industry Northern Territory (WRINT)

REVIEW OF THE CO-REGULATORY ARRANGEMENT UNDER THE NATIONAL ENVIRONMENT PROTECTION (USED PACKAGING) MEASURE 2011

The National Waste and Recycling Industry Council (NWRIC) is committed to protecting the environment and building a resource recovery sector.

The NWRIC sees extended producer responsibility (EPR) as an effective way to deliver cost effective solutions that minimise the impact of products, goods, packaging and materials on the environment and human health. Product stewardship is also an important tool that can drive resource recovery and the circular economy in Australia.

What exactly is product stewardship? Simply producers take responsibility to minimise the human health and environmental impacts of their products and packaging throughout their complete life cycle.

From designing out waste to recycling at the end of life and everything in between. Producers, manufacturers, brands and/or retailers take the primary responsibility and work with their supply chains (upstream and downstream) and customers to minimise harm to human health and the environment. The role of improved design to make products and packaging more recyclable, and new source separation initiatives to improve recycling cannot be underestimated in driving greater resource recovery.

For EPR schemes to be effective the NWRIC considers they must

- a. Be applied uniformly across jurisdictions, to prevent cross border transport of products/ materials into and out of covered regions.
- b. Be mandatory, enforceable and enforced.
- c. Offer viable income to recyclers that reflect the real costs of recovery, and value in the global market.
- d. Consider the competitive nature of international recycling markets.

The NWRIC agrees with the deficiencies highlighted in the consultation paper including:

- a. Lack of high-level targets or KPIs and no clear KPIs or targets for individual liable brand owners.
- a. No reliable, comparable data about consumption, recycling and recovery and compliance with the NEPM and Covenant is available
- b. No uniform definition of brand owner and confusion over how the \$5million threshold applies
- c. Inconsistency between jurisdictions on brand owner obligations
- d. No monitoring or enforcement of brand owner participation resulting in free riders

The NWRIC considers these deficiencies and issues are directly due to the of the current multi-jurisdictional regulatory arrangements. It also considers that the best way to address these issues and deficiencies is to revoke the UPM NEPM and start afresh using Recycling and Waste Reduction Act and creating an independent body to oversight compliance and implementation.

The UPM NEPM effectiveness to say the least has been limited, with very few improvements over the last 15 years. In its early days it assisted with the upgrading of kerbside collection and sorting, but much of that funding was provided by state and federal governments not the brand owners.

The recycling issues the industry had back in 2007 in collecting and recycling packaging still exist now. Multi layered and multi material packaging that cannot be cost effectively sorted into clean material streams for processing and no markets for many of the recovered packaging materials.

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As a result, the environment continues to be littered, the recycling rate of packaging (especially plastics) has stagnated, packaging is ending up in landfill and the cost of cleaning up, household collections and recovery is still being borne by local council ratepayers and state governments, not the brand owners.

The businesses who make and use packaging for their products have been free riding on the Australian community and damaging the environment for far too long.

The NWRIC considers this review has created the opportunity for the federal government to step up and honour its commitment to turbo charge product stewardship through a nationally led regulation reform using the product stewardship powers under its new Recycling and Waste Reduction Act.

The NWRIC strongly recommends that the federal, state and territory government revoke the UPM NEPM and that this be replaced by a set of national rules under the RAWR Act that

- clearly defines brand owner obligations
- sets targets and KPIs consistent with the National Waste Policy Action Plan, National Packaging Targets, the National Plastics Plan, and the objects of the Recycling and Waste Reduction Act
- mandates recycled content levels in all packaging
- mandate the use of the Australian Recycling label on all packaging
- sets reporting requirements and penalties for non-compliance
- defines cost sharing principles
- defines roles of local and state governments
- bans the use of problematic packaging, and
- establishes a national independent body, funded by industry that manages the implementation of the rules, ensures coordination across jurisdictions and industry compliance.

The NWRIC also recommends that the government look to financial incentives and penalties to change brand owner behaviours, clean up household collections and increase market demand for recovered packaging materials.

By way of example this could be a combination of the following

- a deposit on packaging (similar to that being applied to beverage containers),
- a tax on use of virgin plastics,
- tax incentives for reusable packaging,
- tradable recycling certificates similar to the Packaging Notes in the UK,
- advanced recycling fees with discounts that can be offset against percent of recycled content or brand owner funded collections and recycling.



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