Submission on the Stewardship for consumer and Other Electrical and Electronic Products – Discussion paper
February 2022

Status of this Submission

This Submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). MWAC is a standing committee of WALGA, with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management) as well as a number of Local Government representatives. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate.

This Submission therefore represents the consolidated view of Western Australia Local Government. However, individual Local Governments and Regional Councils may have views that differ from the positions taken here.

This Submission was endorsed by the Municipal Waste Advisory Council on 16 February 2022.

Introduction

The Association welcomes the opportunity to comment on the Stewardship for Consumer and Other Electrical and Electronic Products Discussion paper (the Discussion paper) and considers the outcomes of this consultation will be essential to address issues with shared responsibility, cost recovery and consistent service delivery. Product Stewardship Schemes in Australia are diverse in their approaches, including the legislation that is relevant to their implementation, the focus of the schemes, the governance structure, approach to targets and funding model.

Local Government has actively engaged in the development and implementation of Product Stewardship Schemes where there is a clear opportunity to reduce costs and improve access for the community. Through the process of engaging with the Schemes, Local Government has seen positive outcomes, innovative solutions and developed important learnings. There have also been negative outcomes, where Local Governments have incurred considerable costs.

There has been considerable national developments and actions in relation to Product Stewardship such as the Federal Government, through the National Product Stewardship Investment Fund, investing in 20 projects to establish/enhance Product Stewardship Schemes. The Centre of Excellence for Product Stewardship represents an opportunity to ensure that Schemes are developed consistently and to maximise access, however the Centre does not have a regulatory role. The Productivity Commission Right to Repair Report identified that built-in obsolescence and Right to Repair, could be incorporated into Product Stewardship Schemes, but has not been to date. Right to Repair legislation in other countries exists alongside, and is complementary to, Product Stewardship.

This Submission highlights key reforms which are necessary for the National TV and Computer Recycling Scheme (NTCRS) immediately and provides comments on the questions posed in the Discussion Paper.

Key Reforms

The Department has developed a comprehensive Discussion Paper which covers a range of matters. To ensure what is essential for Local Government is identified the Association is making the following recommendations:

	Recommendations
Short term	**1.** That the Federal Government, before the end of the 2021/22 Financial year, enhance the National TV and Computer Recycling Scheme to: a) Ensure the Scheme covers all of the costs associated with the recycling of Scheme products b) Expand the scope of the Scheme to cover out of scope products such as small kitchen appliances, radios, CDs, DVDs, vacuums c) Increase Targets for the Scheme d) Make Targets State/Territory based, to ensure equitable coverage.
	2. That the Federal Government does not support the collection of material through the kerbside recycling system, which is flammable, hazardous and undermines consistent messages.
	3. That the Federal Government develop a national Product Stewardship Scheme to manage solar PV and battery storage, to be implemented in the 2022/23 financial year.
	4. That the Federal Government by 2023/24 amend laws to give consumers more rights to repair products instead of being obliged to keep on buying branded products. This was highlighted in the Productivity Commission Inquiry Right to Repair Report
Medium term	**5.** The Association does not support a landfill ban for e-waste, in the absence of an effective Product Stewardship Scheme for e-waste.
	6. Within the next five years manufacturers need to embrace a circular economy which aims to design out waste and pollution whilst also incorporating durable designs to ensure that electronic devices and materials are kept in circulation for longer.
	7. That the Federal Government put in place an effective Product Stewardship Scheme for fluorescent lighting which covers the cost of collection, transport and recycling of these products.
Long term	**8.** That the Federal Government put in place a labelling scheme which provides consumers with information about the longevity of the products they are purchasing. **9.** That the Federal Government prohibit the sale or distributing new products, where there is no clear pathway to manage end-of-life impacts in an environmentally sound manner.

Background

The NTCRS has delivered significant improvements in the Australian recycling rate for TV and Computers. Local Governments initial experience with the Scheme was positive, with the cost of recycling TVs and Computers reduced. Unfortunately, Local Government confidence in the Scheme was undermined by the actions taken by certain Arrangements in late 2014 - to limit their involvement to the minimum legislated requirements for collected tonnes and number of access points provided. Contracts to host permanent collection sites were either terminated or reduced, with no prior warning or offer to negotiate. Regional/remote sites across Australia were most likely to have their services terminated or reduced. Western Australia has many sites within this classification, due to the dispersed nature of its population.

Figure 1 provides a comparison of the kilograms collected by Arrangements in each jurisdiction, as reported by the Arrangements for the 2019/20 Financial Year[1]. In viewing this information, it should be noted that:

[1] Waste publications and data - DAWE

- The requirements for reasonable access (i.e., number of collection sites) differ between jurisdictions related to population,
- The minimum amount of material that must be collected by Arrangements differs and relates to the number of liability parties who are members of that Arrangement.

From the data available it appears not all Arrangements are providing similar levels of service. While the requirements for reasonable access may technically be met by Arrangements, the effectiveness of some collection sites is debatable - given the amount of material collected. Nationally, ANZRP collected 55% of material, followed by EPASA (35%), MRIPSO (8%) and Ecycle Solution (2%). As EPSA did not provide a State by State, or regional breakdown of the services they provided, kilograms collected are recorded as N/A in **Figure 1**.

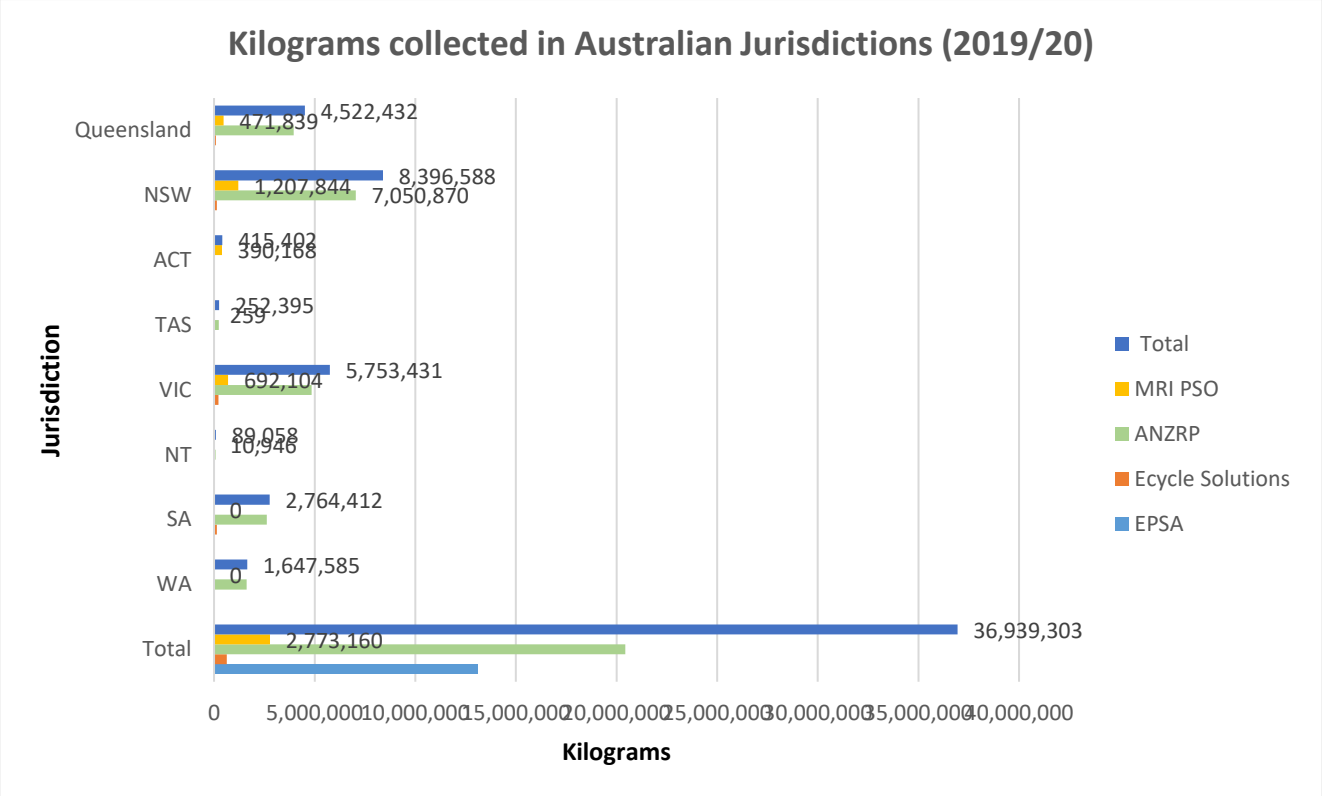

Figure 1: Comparison of kilograms collected by Arrangements in each Australian Jurisdiction (2019/20)

The parameters used to design the Scheme have resulted in a situation where material is most likely to be collected in populated areas. A comparison of the amount of material collected by the four Arrangements, that provided jurisdictional data for the 2019/20 Financial Year, shows that only 4% of material came from Western Australia. Western Australia accounts for approximately 10% of Australians[2], therefore it is clear that although the Arrangements are meeting the national recycling target, the service provision nationally is not equitable. There is an urgent need for the recycling target to be applied on a state-by-state basis. In Western Australia, Arrangements have predominantly concentrated their efforts in the metropolitan area - with 86% of material collected in this region.

[2] National, state and territory population, June 2021 | Australian Bureau of Statistics (abs.gov.au)

Questions
Q1.1 What market and regulatory failures make it challenging for you to safely reduce the accumulation of e-waste in Australia? **Q1.2**: Under what circumstances is voluntary product stewardship more appropriate and why? What are the advantages and disadvantages of voluntary product stewardship? **Q1.3**: Under what circumstances is co-regulatory product stewardship more appropriate and why? What are the advantages and disadvantages of co-regulatory product stewardship? **Q1.4**: Under what circumstances is mandatory product stewardship more appropriate and why? What are the advantages and disadvantages of mandatory product stewardship?
Association Response
The high cost of electronic waste recycling has a significant impact on Local Governments' ability to reduce accumulated electronic waste. The National TV and Computer Product Stewardship Scheme (NTCRS) is a Co-Regulatory Scheme under the national Product Stewardship Legislation, which has been successful but is now costing the WA community $300 a tonne to recycle products included in the Scheme and does not cover the $700 a tonne to recycle other electronic waste. National targets do not provide an equitable outcome for WA. WA is 10% of the national population but is only collecting 4% (data from 2019/20) of the material through the Scheme. In the past collections from Local Government have been ceased when Scheme Targets have been met. The Association supports the timely implementation of national Product Stewardship Schemes that deliver outcomes that benefit the entire country. The Association supports equal provision of services and the development of Schemes that take into account local conditions across Australia. The Association considers that the Commonwealth Government has a responsibility to ensure that all States and Territories have access to effective product stewardship arrangements, whether the Schemes they are mandatory, co-regulatory or voluntary. Local Government has been an important stakeholder in the implementation of the two Voluntary Product Stewardship Schemes (Fluorocycle and Mobilemuster) currently accredited under the Act. The Association sees limited benefit in the accreditation process, as there is no requirement that Product Stewardship Schemes demonstrate their effectiveness against pre-determined criteria, such as a level and type of service offering. FluoroCycle is a voluntary scheme that aims to increase the recycling of lamps that contain mercury and reduce the amount of mercury entering the environment. To achieve this, FluoroCycle provides a national, voluntary scheme which businesses, government agencies and other organisations can join as Signatories. The scheme gives public recognition to Signatories for their commitment to recycling. The Association considers that Fluorocycle is an ineffective Product Stewardship Scheme. The lack of requirements for data capture, management and reporting does not clarify what impact, if any, this scheme has had on tonnes collected for recovery, or reduction in cost to State and Local Government recycling programs. The 2015/16 annual report is the most current on the Departments website. It must be noted that the majority of Voluntary Schemes operate outside the accreditation process established by the Act. While there are examples where Voluntary Schemes have arisen from a genuine industry commitment to reduce the entire lifecycle impact of a product, these are outweighed by examples where the key driver has been industry resistance to Government intervention and/or a lack of political will or Government resources to intervene. Paintback is a voluntary scheme that has complete coverage across all of Australia. Since it was established in 2016, Paintback through collaborating with Local Government and other stakeholders has established a collection network of 160 sites nationally, and when combined with the mobile collection events, provides a responsible disposal pathway to 88% of the population.

Bcycle which is due to launch in early 2022 is a voluntary scheme targeting battery importers, manufactures, retailers, consumers and recyclers. The scheme has taken at least 10 years to come to fruition.

Questions

Q2.1: How can the data be improved?

a) Is there data on local manufacturing?

b) Is it reasonable to keep using the international parameters for product lifetimes?

c) How can repair, reuse and resale be measured?

d) Is there data on recycling outside the NTCRS and Mobile Muster?

e) What can be done to measure the type and amounts of hazardous substances?

f) Are there better estimates on the type and amounts of 'unknown' materials?

g) Are the eight product categories suitable for the Australian context?

Association Response

No comment

Questions

Small Equipment

Q2.2: Can and, if so, how should product stewardship be implemented for small equipment?

Q2.3: Would an approach similar to a container deposit scheme be a feasible option to safely reduce the volume and rate of small appliances becoming e-waste? Why, or why not?

Q2.4: Would providing households with an easily identifiable bag to place small appliances into before placing in kerbside bins be a feasible option for safely reducing the volume and rate of small appliances to e-waste? Why, or why not?

Q2.5: What are the other opportunities and challenges for improving the stewardship of small equipment in Australia?

Association Response

The Association strongly opposes the use of the kerbside recycling bin as means of collecting electronic waste, for the following reasons:

Potential increased fire risk for kerbside recycling and recycling facilities: in August 2021 the Association carried out a survey on fires in waste collection vehicles and waste facilities. 56 organisations responded comprising of 82% Local Government/Regional Council, 14% waste industry and 4% unknown. 64% of fires occurred in waste collection vehicles, 50% in recycling collection vehicles and 7% in garden organics collection vehicles 43% of fires was caused by lithium batteries. The cost of the fires ranged from $500 - $200,000. Placing small appliances, which contain lithium batteries, in identifiable bags will only increase the number of fires in waste collection vehicles.

Contradicts existing messaging and is a Work Health and Safety risk: In WA all Local Governments and Material Recovery Facility operators have agreed to exclude flexible plastics from the kerbside recycling bin as it contaminates the paper stream and is a low value product which is difficult to recover. Another cause for concern is the potential for inconsistent messaging, State and Local Government have consistently promoted - leave material loose in the bins messaging. There are also considerable Work Health and Safety concerns regarding opening of bags, as the content is not known.

An option for improving the stewardship of small equipment could potentially be to implement a scheme similar to the container deposit scheme (CDS) for small, short lived electronic products. It may not be suitable for older electronic products. The WA CDS scheme commenced in October 2020 and has been extremely successful. Given that the infrastructure is already in place the Scheme could potentially be expanded to cater for small equipment however this would require further exploration. Another potential option and a longer-term solution would be for all CDS Refund points to include Op Shops or to donate working electronic goods to Op Shops/Social enterprises. This would facilitate electronic items being dropped off for free whilst also capturing any electronic items that are still working and would allow them to be tag/tested and reuse/sold, thus extending the lifecycle of the products.

Questions

Televisions and Computers

Q2.6: Aside from lifting NTCRS targets, does anything else need to be in place to drive increased recycling and recovery rates for televisions and computers?

Q2.7: Would collection targets based on convenience rather than volume improve the environmental, social, and economic outcomes of the NTCRS?

Q2.8: Is the payment of levies by importers and manufacturers to co-regulators an effective and efficient way to fund high-efficiency recycling activities? Why or why not?

Q2.9: Is there a role for the Australian Government in setting a levy that importers and manufacturers pay to co-regulators? Why or why not?

Q2.10: Should the true cost of recycling be a consideration in setting a levy for importers and manufacturers? What outcomes would be realised by considering this?

Q2.11: Should recycling (or refurbishment and repair if counted) that occurs overseas contribute to material recovery targets in Australia?

Association Response

There is a need to apply the recycling target on a jurisdictional basis and specify the material that Arrangements must collect from individual sites to fulfil reasonable access requirements. The current approach to reasonable access has not delivered equitable access to services in WA with the bulk of collections occurring in the Perth metropolitan area. In May 2021, the State and Territory Local Government Associations in conjunction with the Australian Local Government Association, sought Local Government feedback on the NTCRS to determine the current costs to Local Government and the community.

From Western Australia, thirty-three Local Governments responded with twenty-nine Local Governments (88%) offering e-waste drop-off/collection to their residents and four Local Governments not offering e-waste collection services. The four Local Governments not offering an e-waste service stated that they were too expensive, Local Government could not afford it, no suitable location was available for drop off and their Department of Water and Environmental Regulation licence needed amendment before they could collect e-waste.

Of the twenty-nine Local Governments which offer e-waste collection services to the community. Each Local Government provides staffing, infrastructure and sites which contribute to the in-kind costs of recycling e-waste. The amount of financial in-kind costs varies from $1,000 - $150,000 per year per Local Government.

For 2022 many Local Governments are now faced with additional financial burden due to the provider charging a rate per tonne for a service that was previously free. The anticipated costs per tonne for NTCRS and non-NTCRS e-waste are varied. For NTCRS e-waste the cost varies from $200 to $1,000 per tonne and for non-NTCRS e-waste the cost varies from $500 to $1,000 per tonne. This is a significant financial impost on the community which makes it difficult for Local Governments to accurately budget, as the amount and type of e-waste that may be collected is demand driven and changes year to year.

Questions
Large Appliances **Q2.12**: What feasible interventions need to be made so that Australia can shift from 90 per cent low-efficiency recycling of large appliances to a greater proportion of high-efficiency recycling? Would it be a short, medium or long-term intervention? **Q2.13**: What are the opportunities for better data-collection at the point of recycling and recovery?
Association Response
The Association suggests that a free take back system similar to what operates in Europe under the waste Electrical and Electronic Equipment Directive (WEEE) would be useful. The purpose of the WEEE directive is to minimise the impact of electrical and electronic goods on the environment, by increasing re-use and recycling and reduce the amount of WEEE going to landfill. It seeks to achieve this by making producers responsible for financing the collection, treatment and recovery of waste electrical equipment and by obliging distributors to allow consumers to return their waste equipment free of charge. Also designing products without hazardous components which are easier to manage at their end of life.
Questions
Temperature exchange equipment **Q2.14:** Would extending the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* to include equipment as well as ozone depleting substances and synthetic greenhouse gases be a feasible option for increasing high-efficiency recycling of temperature exchange equipment? **Q2.15:** What other feasible interventions need to be made so that Australia can shift from 90 per cent low-efficiency recycling of temperature exchange equipment to a greater proportion of high-efficiency recycling? Would it be a short, medium or long-term intervention? **Q2.16:** What are the opportunities and challenges in recycling and recovering polyurethane and polystyrene plastics from fridges, freezers, and other equipment?
Association Response
The Association suggests that it is more efficient to include all Product Stewardship Schemes under one legislative instrument, rather than using other legislation which was not established for Product Stewardship purposes. The challenge with recycling plastics from these types of equipment is if products such as Brominated Flame Retardants have been used, as these products are persistent organic pollutants and therefore mean that recycling of this plastic is not possible.
Questions
Other large equipment **Q2.17**: Would strengthening commercial leasing arrangements to include high-efficiency recycling for end-of-life management of other large equipment improve environmental and social outcomes? How could this be done, and would it be a short, medium or long-term intervention? **Q2.18**: Could leasing options for consumer products in this category be promoted? How could this be done, and would it be a short, medium or long-term intervention? **Q2.19**: What other feasible interventions need to be made so that Australia can shift from 90 per cent low-efficiency recycling of other large appliances to a greater proportion of high-efficiency recycling? Would it be a short, medium or long-term intervention?
Association Response
In relation to other feasible interventions for commercial leasing arrangements it is unlikely that there are any. In the most recent report from the Productivity Commission's Inquiry on 'Right to Repair' (October 2021) it was stated that 'At present, copyright laws inhibit the reproduction of copyrighted materials - including repair information such as manuals and schematics which may inhibit the repair and reuse of high-end professional products. In the Commission's

view, 'this does not strike the right balance between the interest of rights holders and of others seeking to access and use those materials for the purpose of undertaking repairs - and thus unnecessarily limits the ways in which repair information can be used'. To address this, the Copyright Act 1968 should be amended to include a new 'use' exception that allows for the reproduction and sharing of repair information under certain circumstances. That would assist in increasing the reuse and repair options for the more complex machinery.

Questions

Solar PV and battery storage

Q2.20: Should product stewardship aim to promote repair and reuse of second-hand solar panels (including in overseas markets)? What state and territory electrical safety laws and regulations, and other energy market considerations, are relevant to promoting a second-hand PV panel market?

Q2.21: How can existing measures promoting and regulating domestic and utility PV systems be leveraged to accelerate solar panel stewardship in Australia?

Q2.22: Who should be responsible for paying the costs of transporting solar panel waste for processing and recycling, and what are measures could be implemented to promote equitable and efficient transport and logistics for solar panel waste?

Q2.23: What measures can be adopted to cover the cost of managing waste from legacy/orphan panels, and what measures can be implemented to assure the integrity of a stewardship scheme from 'phoenixing', risks arising from export of second-hand panels and dumping?

Q2.24: How do recycling processes and e-waste recovery options differ between panel technology sub-types and what different technology is required to manage for these differences?

Association Response

A national approach to manage solar PV and battery storage is required. This involves producers, retailers and consumers taking responsibility for the environmental and health related impacts of solar infrastructure across its lifecycle. PV systems were first listed in the Ministers Priority List in 2016-17. The following actions were recommended:

- **Action 1:** The Photovoltaic industry must demonstrate that it will manage photovoltaic waste through an industry-led product stewardship arrangement.
- *An industry agreed nationwide scheme design must be finalised* **by June 2022***.*
- *The nationwide scheme must be operational* **by June 2023** *and include an approach to deal with legacy panels.*
- Government will consult industry over the next 6 months on how to meet these two objectives.

Depending on the outcome of the consultation process if industry indicates that it has no intention of operating a voluntary scheme then Government must intervene to implement either a mandatory or co-regulatory scheme.

Questions

Lighting

Q2.25: What needs to be in place to divert the 82 per cent of lighting from landfill? Why and would it be a short, medium, or long-term intervention?

Q2.26: Would an approach similar to container deposit schemes be a feasible option for safely reducing the volume and rate of lighting to e-waste? Why and would it be a short, medium or long-term intervention?

Association Response

As noted in this Submission, the Association does not consider that FluoroCycle is an effective product stewardship scheme. Through the Household Hazardous Waste Program, 162.8 tonnes of this material was recycled over the last 10 years at a cost of $520,998.

The Association does not support the collection of these materials through the kerbside recycling system. With these particular products, mercury contamination is a potential issue as the material would be broken through collection.

Questions

Mobile phones

Q2.29: What needs to be in place to divert the 96 per cent of mobiles from people's drawers? Why and would it be a short, medium, or long-term intervention?

Association Response

MobileMuster, a mobile phone recycling program, is a not-for-profit program voluntarily funded by mobile phone industry groups. It is not governed by regulation or enforced by mandatory laws, but it is accredited under the Australia's Product Stewardship Act (2011). The program collects mobile phones, accessories and batteries through a comprehensive collection network, dismantles and recovers over 95% of their components for use in new products.

Mobile phones are estimated to represent a little over 1 per cent of all e-waste in Australia. A potential opportunity to recover more mobile phones would be to expand the NTCRS to accept mobile phones free of charge. Potential opportunity may include:

- offering discounts for new phones when the old one is returned or providing other forms of financial compensation

Another way to encourage collection is to introduce requirements for any retailer of mobile phones to accept and ensure the proper handling of an old device.

Questions

Key Issues – compliance

Q3.1: How can compliance be lifted across the supply chain and across jurisdictions, or for a particular program or compliance issue?
Q3.2: What approaches are the most efficient and effective to ensure compliance is properly resourced?
Q3.3: What steps can be taken to improve confidence in the electrical and electronic product and recycling industry?
Q3.4: Are there international standards that could be adopted and/or more widespread to promote Australia's circular economy?

Association Response

To ensure compliance is undertaken for product stewardship schemes, the Federal Government has to assign appropriate resources to this activity. As with other types of regulation cost recovery could be considered, to ensure that the Scheme is funding compliance, and that funding is secure.

Questions

Key issues – Design and Manufacture

Q3.5: What are the most efficient and effective methods for influencing electrical and electronic product design to increase sustainability? Why and would it be a short- medium-, or long-term intervention?

Association Response

At present, the electrical and electronic goods industry operates on a traditional linear business model based on high throughput of goods. Much of this waste is not returned to the system, with only 50% recycled (2019). This contrasts to a circular economy which aims to design out waste and pollution, keep products and materials in use, and regenerate natural systems therefore gradually decoupling economic activity from the consumption of finite resources. Many companies have made global commitments to designing waste out of the electronics value chain and others have worked hard to design hazardous materials out of their products. These kinds of experiences must be shared across the industry, creating a pre-competitive, open-source space for collaboration.

Embracing durable designs can ensure that electronic devices are kept in circulation for longer. Configurations should have a product's end-of-life in mind, as well as encouraging disassembly and reuse. Taking a "systems approach" and redesigning the entire electronic device lifecycle for a circular economy could also create more value in the system.

Questions

Exporting e-waste

Q3.6: How do international conventions impact the electrical and electronic products supply chain?

Q3.7: Should product stewardship aim to achieve the outcomes of international conventions and why?

Q3.8: Does Australia have sufficient recycling capacity to manage the expected 674,000 tonnes each year of e-waste in 2030 without exporting some e-waste?

Q3.9: If Australia was to destroy all materials containing POPs, how would industry approach this and what impact would it have on industry?

Q3.10: What interventions are required to encourage manufacturers/importers to disclose the hazardous chemicals composition of products to help recyclers and others meet international convention requirements?

Association Response

Australia is a signatory to the Basel Convention prohibiting export of hazardous waste (including e-waste) and has enacted these prohibitions domestically via the Hazardous Waste (Regulation of Exports and Imports) Act 1989 and the Recycling and Waste Reduction Act 2020. Currently exporters and importers of hazardous waste require Prior Informed Consent (PIC) for transboundary movement of hazardous waste via a hazardous waste permit. The permit can be issued for up to 12 months and can cover multiple waste shipments.

Feedback from a WA based e-waste recycler has identified they are currently unable to export some plastic fractions from e-waste due to the Recycling and Waste Reduction Act 2020 export ban on plastics. This has reduced the recovery rate for electronic waste, as there are not local recycling options. As it is proposed there will be fees and levies associated with obtaining hazardous permits this will contribute additional costs for exporters and importers of electronic waste components. Obtaining PIC's can also take several months which may lead to delayed shipments.

Questions

Landfill bans

Q3.11: What is your experience of the impacts of e-waste landfill bans and/or mandatory recycling in Australia?

Q3.12: Do you expect e-waste landfill bans (or otherwise highly restrictive levies and other policies) to be implemented in other jurisdictions?

Q3.13: What are the potential benefits and perverse outcomes of developing a common approach to e-waste landfill bans across Australia?

Q3.14: Do other complementary measures need to be in place before or concurrently implemented with landfills and, if so, what are they?

Association Response

A landfill ban is an end-of-the-line solution that does not place obligations on those involved in the management of e-waste upstream from a landfill. Without other complementary mechanisms, this would place a disproportionate responsibility on a landfill operator to prevent e-waste from ending up in landfill, with neither incentives nor alternative pathways for upstream parties to support this. Clearly a ban must therefore be accompanied by other supporting measures, which result in others further up the supply chain - households, businesses, Local Governments, waste management companies - supporting the goal of avoiding e-waste reaching the landfill gate.

In WA e-waste will be banned from landfill in 2024. To prepare for this the following complimentary measures need to be adopted:

- expand the existing NTCRS to include out of scope materials as this material which is funded by the Local Governments has increased substantially over the last few years

- provide additional funding to e-waste recyclers to recycle out of scope materials
- upgrade existing e-waste collection and storage facilities
- increase the community's access to drop-off points
- collection infrastructure
- support for development of recycling industries
- develop markets for recycling.

Questions

Overseas schemes

Q3.15: How would the introduction of legislation aligning restrictions on the concentration of chemicals of concern impact on imports of electrical and electronic products? For example, a Restriction on Hazardous Substances, similar to both the European Union and the Republic of Korea.

Q3.16: Would the adoption (and likely adaptation) of other overseas schemes be beneficial for Australia's management of electrical and electronic products across the product cycle?

Association Response

Many of the chemicals contained within electronic products are toxic including arsenic, beryllium, cadmium, lead and mercury. Flame retardants are also found in waste electronics, though some companies are reducing the amounts they add to newer electronics. These can persist in the environment and in the dust in our homes and can be particularly harmful. This means electronic products need high-quality treatment and recycling infrastructure when they become waste. Australia implements its obligations under the Basal Convention through the Hazardous Waste (Regulation of Exports and Imports) Act 1989. Currently exporters and importers of hazardous waste require Prior Informed Consent (PIC) for transboundary movement of hazardous waste via a hazardous waste permit.

A key element of any scheme is the producers should be legally responsible for the management of their products once they reach end-of-life. Producers are considered organisations that either manufacture and sell; resell; import or supply Electrical and Electronic Equipment.

Questions

Product labelling

Q3.17: Can product labels help consumers make their decisions on what electrical and electronic products to purchase? Do consumers want this information? Are there particular electrical and electronic products for which consumer labels would be more effective than others?

Q3.18: Can product labels and other technologies help consumers and recyclers lift the efficiency and recovery rates in recycling end-of-life electrical and electronic products?

Q3.19: For both consumer and end-of-life product labels, are the regulatory and financial costs likely to outweigh the benefits? Would alignment with international schemes (now and into the future) reduce the costs?

Association Response

Providing information to consumers through labelling is an important step in allowing consumers make informed decisions on the products they purchase. Currently in Australia there are no laws mandating information on product repairability but there are a range of regulations and government funded programs relating to other product qualities such as product safety, energy and water efficiency labelling. However, a product labelling scheme may not necessarily influence a consumer's purchasing habits as many consumers may choose to replace their products with newer ones, rather than the product actually breaking, or replacing a product with a product that better meets their needs.

To date, product stewardship schemes have tried to effect change using loosely defined market development activities, community/industry engagement, voluntary commitments to dispose of materials in an environmentally sound manner, or change which party contributes financially to collection, processing, recycling or disposal costs at end-of-life. These activities have been viewed by industry and regulators as a way to begin addressing the lifecycle impacts of various products, as these approaches do not require a fundamental rethink to manufacturing and consumption. Unfortunately, the current approach has not addressed, or resolved, the complexities of the market forces and costs experienced by the waste management industry. Future Schemes must be designed in such a way that manufacturers, importers and distributors, and organisations tasked with delivering schemes, such as Arrangements, are financially or physically responsible for providing repair options and managing actual end-of-life impacts, as opposed to projected end-of-life impacts.

Alternatively, an approach could be taken where manufacturers, importers and distributors are prohibited from selling or distributing new products, where there is no clear pathway to manage end-of-life impacts in an environmentally sound manner. Reframing Product Stewardship in such a light, would encourage those producing or selling products to consider the lifecycle impacts of their products, and assist with a transition to a circular economy.

Questions

Regional and remote Australia

Q3.20: How could reasonable access in regional and remote Australia be improved? How would this work?

Q3.21: Should regional and remote communities have individualised collection targets? If so, how would this work and what perverse outcomes might be realised? If you do not think regional and remote communities should have individualised collection targets, please explain why?

Association Response

Reasonable access needs to be better determined, with specific requirements in relation to access. For example, the WA Container Deposit Scheme (CDS) not only specifies the regions and areas where refund points are needed and the number of refund points but opening hours. This means that access is certain. The CDS scheme is an example of a scheme that is operating successfully in regional and remote areas of WA. The Gascoyne region has the highest approximate regional return rate of containers, 88% for the January to March 2021 quarter.

Questions

Reuse and repair

Q3.22: How could repair and reuse be included into the National Television and Computer Recycling Scheme, or any other product stewardship scheme? How could any identified perverse incentives be addressed?

Q3.23: What other ways can the Australian Government and others foster reuse and repair in electrical and electronic products in Australia?

Association Response

Repair markets include manufacturer or independent repair services, community-led reuse and repair centres, or suitably qualified individuals that engage in activities to restore products - that are damaged, faulty, or worn to a usable condition. Repair markets should be considered for all durable goods, including consumer electronics, sporting goods, household and office appliances and furnishings, vehicles, and machinery. When consumers purchase durable goods, often at higher costs, there is a reasonable expectation that these goods will last for an extended period of time and be repairable - regardless of individual choices to repair, replace, or live without.

Ways to foster reuse and repair include:

- Designing durable goods that can be disassembled with commonly available tools
- Making spare parts and service information available to anyone, including independent service providers and community led repair centres
- Giving consumers the freedom and confidence to have their durable goods repaired by a service provider of their choice at a fair price, or the option to perform their own repairs if suitably qualified
- Phasing in requirements to ensure upgradability of software and hardware, and the ability to replace hardware components such as batteries and screens
- Incorporate reuse and repair into Tender contracts
- Requiring durable goods to be labelled with lifetime expectancy and reparability information.

In December 2020, the Association undertook a short online survey of Local Government seeking feedback on the potential for Right to Repair legislation that could extend the life of products and reduce waste going to landfill. Forty-four Local Governments responded to the survey with 95% indicating that they supported federal action to introduce laws to improve consumers' Right to Repair options. Local Government recognises the value in salvaging usable goods from the waste stream with 75% of survey respondents indicating that they actively facilitate reuse or repair options for their communities. Almost 41% of these Local Governments operate reuse shops to redistribute usable goods. Local Governments provided a range of support to community-led repair services, 25% of Local Governments assist with advertising, 20% of Local Governments provide venues and 18% of Local Governments provide some form of financial support.

Questions

Roles and responsibilities

Q3.24: What other roles and responsibilities do different levels of government and the supply chain have in properly managing electrical and electronic products?

Q3.25: How can these various roles and responsibilities be made clear and understood across these groups and the broader community?

Association Response

To date, Product Stewardship Schemes have tried to effect change using loosely defined market development activities, community/industry engagement, voluntary commitments to dispose of materials in an environmentally sound manner, or change which party contributes financially to collection, processing, recycling or disposal costs at end-of-life. These activities have been viewed by industry and regulators as a way to begin addressing the lifecycle impacts of various products, as these approaches do not require a fundamental rethink to manufacturing and consumption. The Schemes that have delivered the best results, have required industry to make an up-front contribution on projected end-of-life management costs.

Unfortunately, the current approach has not addressed, or resolved, the complexities of the market forces and costs experienced by the waste management industry. Future Schemes must be designed in such a way that manufacturers, importers and distributors and organisations tasked with delivering Schemes, financially or physically responsible for managing actual end-of-life impacts, as opposed to projected end-of-life impacts.

Alternatively, an approach could be taken where manufacturers, importers and distributors are prohibited from selling or distributing new products, where there is no clear pathway to manage end-of-life impacts in an environmentally sound manner. Reframing Product Stewardship in such a light, would encourage those producing or selling products to consider the lifecycle impacts of their products, and assist with a transition to a circular economy.

Questions

Social enterprises and charities

Q3.26: What feasible interventions need to be made so that product stewardship can better support social enterprises? Would it be a short, medium, or long-term intervention?

Q3.27: What can be done to ensure that quality, working electrical and electronic products are donated to charitable organisations to support social outcomes while promoting reuse?

Q3.28: What solutions would make it more convenient for consumers to take e-waste to recycling collection points and not illegally dump them on charities?

Q3.29: Is there a role for government when designing and implementing product stewardship for electrical and electronic products to assist in closing the digital divide?

Association Response

The Association, with funding from the State Government through the New Industries Fund that is managed by the Department of Jobs, Tourism, Science and Innovation, has been working with Local Governments to collect electronic waste outside the metropolitan area. At a recent event, the community dropped off approximately 1.5 tonne of electronic waste of this material approximately 500kg was described by the community as 'still working'. WorkPower, the Social Enterprise delivering the collection event, took this material for 'testing and tagging' and approximately 250kg was assessed as working and suitable for resale. A number of residents indicated when dropping off their e-waste that the product was still working, but just needed a minor repair that they were unable to do.

Questions

Urban mining

Q3.30: How can governments help develop sustainable urban mining?

Q3.31: What are the key challenges in infrastructure and technology that could benefit from greater investment?

Q3.32: What are the barriers and challenges in commercialising and deploying urban mining technologies following the research and development stage?

Association Response

The Association does not consider this is an immediate priority.

Questions

Waste to Energy

Q3.33: Does waste to energy have a role in the management of end-of-life electrical and electronic products in Australia?

a) If yes, why is waste-to-energy a better option and what is driving community concerns?

b) If no, what are the alternative options for electrical and electronic products (and in particularly their plastics) that cannot be safely recycled?

Q3.34: Should the amount of e-waste sent to waste to energy facilities be limited to avoid building a reliance on incineration? Why?

Q3.35: Is it feasible for waste to energy to be seen as a last resort once all other waste management options further up the waste hierarchy have been exhausted.

Association Response

Waste to energy does not have a role in the management of end-of-life electrical and electronic products. At concept design stage of products any material that cannot be recycled should be designed out thus eliminating hard to recycled products at the end of a products life. Products which have a higher value use such as repair/reuse should be look at first.