

# **Submission on the Discussion Paper *Wired for change: Regulation for small electrical products and solar photovoltaic system waste.***

July 2023

## **Acknowledgement**

WALGA acknowledges the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth) on the land of the Whadjuk Noongar People where WALGA is located, and we acknowledge and pay respect to Elders past and present.

WALGA is committed to supporting the efforts of WA Local Governments to foster respectful partnerships and strengthen relationships with local Aboriginal communities.

## **Status of this Submission**

This Submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA).

The Western Australian Local Government Association (WALGA) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based organisation representing and supporting the work and interests of 139 Local Governments in Western Australia, comprising 1,215 Elected Members and approximately 22,600 Local Government employees, as well as over 2.5 million constituents of Local Governments in Western Australia.

Western Australian Local Governments vary greatly in:

- size, ranging from less than 1.5 to over 370,000 square kilometres,
- population, just over 100 to more than 224,000 people,
- the number of staff employed, from less than 10 to over 1000,
- in revenue received, which in 2019-20 ranged from just over \$2 million to just over \$226 million.

MWAC is a standing committee of WALGA and includes major Regional Councils (undertaking 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 was endorsed by MWAC and WALGA State Council on 21 July 2023.

## Summary of Recommendations

1. To ensure that products can be added to the Scheme over time:
  - A mechanism is included in the regulations requiring annual feedback from the Scheme Administrator, liable parties, recyclers and Local Government to determine if types of electronic waste outside the Scheme are increasing and should, therefore, be considered for inclusion in the Scheme.
  - A clear mechanism/process for adding products to the Scheme is included in the regulations.
  - The Department is resourced to ensure that the annual feedback is sought and acted upon.
2. That e-cigarettes be included in an effective national Product Stewardship Program, such as the Return Unwanted Medicines Program, to ensure safe disposal and resource recovery.
3. Effective safeguard mechanisms be put in place to ensure the Scheme Coordinator and Network Operators must take and recycle all eligible material collected by sites at no cost to the sites.
4. That the Scheme Coordinator ensures that there is sufficient recycling infrastructure capacity and markets for material collected through the Scheme.
5. To ensure the Scheme has equitable coverage nationwide, State/Territory based Targets for recycling be established.

## 1 Introduction

WALGA welcomes the opportunity to comment on the Department of Climate Change, Energy, the Environment and Water (DCCEEW) discussion paper, [Wired for change: Regulation for small electrical products and solar photovoltaic system waste](#) (the Discussion Paper).

The Discussion Paper has been informed by consultation with WALGA, other Local Government Associations, and key stakeholders. The Discussion Paper is the next step in the process, following formal consultation by the Department, in early 2022, which included a Discussion Paper on Stewardship for consumer and Other Electrical and Electronic Products. WALGA made a [Submission](#) on this Paper, developed an [Issue Paper](#) to inform the development of product stewardship for photovoltaics systems and also made a [Submission](#) on the 2018 review of the National Television and Computer Recycling Scheme (NCRS). WALGA has also developed the following [Principles for Product Stewardship](#) which have been used in this Submission to ensure the proposed Scheme meets key outcomes:

1. Producers and importers should take responsibility for the end-of-life product impacts.
2. Product Stewardship Scheme should cover the entire cost of product recycling.
3. Leverage Existing Schemes and Collection Locations.
4. Make it easy, convenient and consistent for the community.
5. National coverage and equitable access for all.
6. Evidence based.
7. National Product Stewardship legislation should be used.
8. Timely action and industry cooperation.
9. Product Stewardship Schemes should be demand based and aim to recover the maximum amount of material possible, rather than being limited by targets.

10. Product Stewardship Schemes should focus on 'no cost' at end-of-life options for consumers or provide incentives for recovery.

### ***Scheme Purpose and Design***

The purpose of the proposed scheme is to:

- ensure that Australia manages decommissioned solar PV systems in an environmentally sustainable manner.
- provide Australian households and businesses with sustainable pathways to manage end-of-life small electrical and electronic equipment.
- reduce solar PV system and small electrical and electronic waste.
- create an effective national product stewardship framework which can be used to address additional product types, if required in the future.

The proposed regulation for the Scheme aims to:

- reduce waste to landfill.
- increase the recovery of reusable materials.
- provide convenient access to e-stewardship services across Australia.
- support Australia's transition to a more circular economy.
- foster shared responsibility across the lifecycle of covered products.

The proposed scheme would be managed by a single scheme administrator, appointed by government, and responsible for achieving scheme outcomes. Network operators would also be appointed by government and be responsible for managing collection, transport and recycling services within a certain geographic area. The Scheme would be funded by liable parties, organisations which import or produce products covered by the scheme. Liable parties would be required by regulation to join the scheme and pay fees to the Scheme administrator.

The proposed scope is small electronic and electronic equipment found in homes and small business, weighing up to 20kg; it includes all products covered under the current National Television and Computer Recycling Scheme (NTCRS). It is proposed the scheme would cover small scale PV systems, even if installed prior to the scheme's commencement.

Following considerations of the feedback on the Discussion Paper, the Department will release a Policy Impact Assessment (PIA), providing a cost/benefit analysis of the various regulatory options.

### ***Western Australian Landfill Ban***

The e-waste landfill ban, which the Western Australian Government have [committed](#) to implement by 2024, is also important in the context of this Submission. WALGA's [e-waste landfill ban Submission](#) to the State Government highlighted Local Governments significant concern regarding the misalignment in the timeframe for the landfill ban and an effective national product stewardship scheme for the materials covered by the Ban being in place. In July 2023, WALGA adopted the following Advocacy Position:

***Landfill bans are only supported in the presence of effective product stewardship schemes, or other funding mechanisms, for products which would be subject to the ban.***

This Submission provides comments on the proposed scheme structure and design, scope of materials covered and targets identified.

## 2 Scheme Structure and key elements

The Discussion Paper identifies the proposed structure of the proposed scheme and the key elements. Table 1 outlines those elements and provides commentary on their suitability.

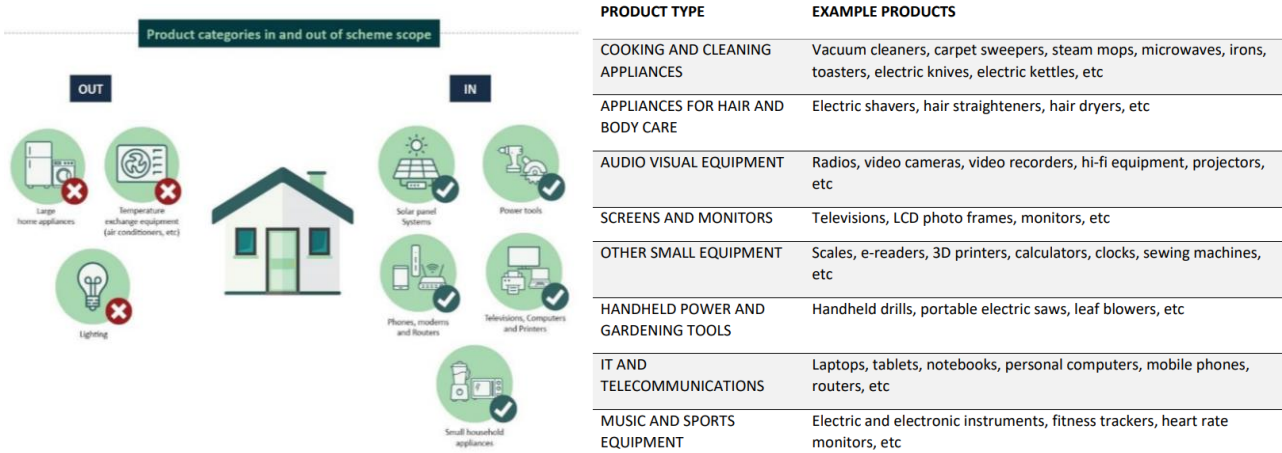
**Table 1: Scheme structure and design - WALGA comments**

Scheme Structure	WALGA Comment
<i>Nationally legislated Scheme</i> – using the Recycling and Waste Reduction Act 2020 Act.	<b>Support</b> The national legislation provides a consistent framework for the Scheme and WALGA support a timely national approach for product stewardship.
<i>Focus on recycling</i> – but the Scheme also encourages reduction, repair, reuse and consumer education. This includes embedding these considerations in Scheme Targets.	<b>Support</b> Local Governments' immediate concern is ensuring the e-waste currently being disposed of can be recycled at no cost to the community. Longer term, it is vital for reduction, repair and reuse to be embedded. WALGA has commented on these issues in its Submissions to the Productivity Commission Right to Repair <a href="#">Issues Paper</a> and <a href="#">Draft Report</a> .
<i>Focus on small electronic and electrical equipment and PVs</i>	<b>Support</b> See Section 3 Product Scope.
<i>Framework for other products to be added</i> – the intent is that other products could be added to the Scheme as it progresses.	<b>Support</b> See Section 3 Product Scope for further information on this approach.
<i>Cover households and businesses (small)</i>	<b>Support</b>
<i>Convenient access across Australia</i>	<b>Support.</b> See Section 4 Targets.
<i>Cover legacy waste</i> – for electronic and electrical waste and small PV systems.	<b>Support</b>
<i>One Scheme Administrator</i> – accountable for achieving the Scheme outcomes, including targets for e-waste recycling, amount of material recovered, minimum access and education or awareness.	<b>Support</b> WALGA identified one of the problems with the NTCRS was the multiple Scheme administrators. The scheme administrator will also need to ensure contingency plans are in place for recycling.
<i>Multiple Network Operators</i> – appointed by government and be responsible for managing collection, transport and recycling services within a certain geographic area	<b>Support in principle</b> Further discussion regarding how this would operate in practice and the safeguards required to ensure that competition between network operators ensure best community outcomes as well as value for money.

<p><i>Liabe Parties</i> – organisations which import or produce products covered by the scheme. Liabe parties would be required by regulation to join the scheme and pay fees to the Scheme administrator. To be considered a liabe party, there is a threshold of number of products imported or produced, so that very small operators or individual importing product would not be captured.</p>	<p><b>Support</b></p>
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### 3 Product Scope

The proposed scope for the Scheme is outlined in Figure 1. The Discussion Paper (appendix B) includes further detailed listing of all products that are intended to be part of the Scheme. WALGA, with funding from the State Government, through the New Industries Fund, undertook 6 electronic waste temporary collection events across WA. Through the program over 20 tonnes of electronic waste was recycled (39,216 items) and nearly 1,000 community members accessed e-waste recycling options. The scope of materials collected through these events has been used as a basis to assess whether the scope of the materials proposed to covered by the Scheme is likely to meet Local Government and community needs. The proposed scope of small electrical and electronic equipment covered, and the approach to small and large scale PV systems, is likely to meet Local Government and community current needs.



**Figure 1: Proposed Scope for small electrical and electronic equipment.**

#### **PV Systems – Small Scale**

It is proposed the Scheme cover small-scale PV systems, up to 100kW capacity, including solar panel, inverters, attached cabling, racking and potentially household energy storage batteries. It is also proposed the Scheme would cover ‘plug and play’ PV systems, for example those used for camping, automotive and marine systems where the installation and decommissioning is carried out by a consumer.

The ‘plug and play’ PV systems are those that are most likely to be disposed of at Local Government transfer stations/landfills.

#### **PV Systems – Large Scale**

It is proposed those systems considered large scale, over 100kW, such as solar farms, would require/allow different waste management approaches. The Discussion Paper

identifies there are 1,650 large-scale PV systems currently. This submission does not focus on the large scale PV systems, as these are commercial undertakings which Local Government should not be responsible for disposal/recycling.

***Additional electrical items to be included / addressed through Product Stewardship***

The NTCRS was established with the aim of it being framework legislation with additional products being added over time. This did not occur, potentially because there was not a clear method of prioritising, reviewing or adding products or resourcing to undertake this process. For example, large household appliances are currently excluded from the Scheme. These products are frequently recovered through the scrap metal collections, which includes degassing for appliances containing ozone depleting substances. As the value of scrap metal is still reasonable, this is not currently a significant impost on Local Government and the community. However, if the value of scrap metal was to have a sustained decrease these products should be considered as a priority for inclusion in the Scheme.

**Recommendation: To ensure that products can be added to the Scheme over time:**

- **A mechanism is included in the regulations requiring annual feedback from the Scheme Administrator, liable parties, recyclers and Local Government to determine if types of electronic waste outside the Scheme are increasing and should, therefore, be considered for inclusion in the Scheme.**
- **A clear mechanism/process for adding products to the Scheme is included in the regulations.**
- **The Department is resourced to ensure that the annual feedback is sought and acted upon.**

Feedback from Local Government has identified e-cigarettes as a significant risk for disposal and a waste stream currently with no clear end of life pathway. These products are electronic waste, as they contain a battery as well as other material harmful to human health and the environment. The Government announcement regarding restricted sale of these products is welcomed by Local Government, but it does not negate the need to deal with the e-cigarettes currently in circulation and provide an easy and convenient recycling pathway for these products now and into the future. As the Return Unwanted Medicines (RUM) Program already exists, albeit participation is voluntary, it would provide a mechanism (through the 95% of chemists who participate in the Program) for these materials to be recovered for recycling.

**Recommendation: That e-cigarettes be included in an effective national Product Stewardship Program, such as the Return Unwanted Medicines Program, to ensure safe disposal and resource recovery.**

## **4 Targets**

The focus of this Submission are the Targets for small electrical and electronic equipment, as these products are those most frequently disposed of through Local Government drop-off or other facilities. Local Governments' main concern with setting Targets for the Scheme, as has been identified with the NTCRS, is that when the Targets were reached the Product Stewardship Arrangements delivering the Scheme ceased collecting material. There were mechanisms which were aimed at addressing this issue, allowing Arrangements to count additional tonnes toward the next years collection requirements, however in practice this did not address the issue. Table 2 provides commentary on each of the overall targets, Table 3 provides specific commentary on the Access Targets.

**Recommendation: Effective safeguard mechanisms be put in place to ensure the Scheme Coordinator and Network Operators must take and recycle all eligible material collected by sites at no cost to the sites.**

Local Governments have raised the importance of ensuring that e-waste recycling capacity, and markets for end product, keep pace with the Targets. Therefore, the Scheme Coordinator needs to ensure coordinated national investment and development of required infrastructure and market. It is also important that the Scheme Coordinator undertake contingency planning to ensure there is sufficient capacity in the system to deal with events such as facility fires or shut downs.

**Recommendation: That the Scheme Coordinator ensures that there is sufficient recycling infrastructure capacity and markets for material collected through the Scheme.**

**Table 2: Scheme Targets - WALGA comments**

Target	WALGA comment
<p><i>How much e-waste must be recycled each year</i></p> <p>To calculate the Scheme target the Department would multiply the estimated amount of e-waste that has been generated (in kilograms) by a target percentage. The percentage target would increase annually as the scheme matures and industry has time to develop capacity. Over time the percentage target would be raised to meet the National Waste Policy Action Plan's target of 80% average recovery rate from all waste streams. The Scheme target is also intended to support investment certainty for new e-waste recycling capacity within Australia.</p>	<p><b>Conditional Support</b></p> <p>The NTCRS has a national recycling Target, as WALGA has previously identified 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, 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.</p> <p><b>Recommendation: To ensure the Scheme has equitable coverage nationwide, State/Territory based Targets for recycling be established.</b></p>
<p><i>The proportion of materials from recycled products that must be recovered for remanufacture.</i></p>	<p><b>Support</b></p> <p>This will assist in ensuring that maximum recovery is achieved, even though it may be a more expensive option. However, it should be noted that some products cannot be recovered – for example plastics from computers which contain persistent organic pollutants.</p>
<p><i>Accessible drop-off services available to the public.</i></p>	<p><b>Support</b></p> <p>Additional commentary is included in Table 3.</p>

<p><i>Maximising re-use of in-scope products where practical</i></p> <p>The Department proposes an obligation to promote re-use rather than a re-use target. This obligation would require the Scheme Administrator to facilitate specific collection mechanisms for re-use and repair at scheme collection sites, when requested by a repair and re-use organisation.</p> <p>The Scheme Administrator would report the types and numbers of products diverted for repair or re-use to the department annually.</p>	<p><b>Support</b></p>
<p><i>Educating and raising awareness about re-use and repair, how to keep in-scope products out</i></p> <p>It is proposed the Scheme Administrator would be required to annually provide to the Department a public awareness and education plan on e-waste reduction and sustainable e-product use.</p> <p>The plan should identify alignment with other consumer education activities such as those undertaken by local governments.</p> <p>The annual awareness and education plan would have the following goals.</p> <ol style="list-style-type: none"> <li>1. Improve public awareness on how to maximise the useful life of in-scope products.</li> <li>2. Improve public awareness of the sustainability of e-products sold by liable parties under the scheme.</li> <li>3. Improve public awareness on how to minimise risks associated with improperly disposing, storing or using e-products.</li> </ol>	<p><b>Support</b></p> <p>Noting that public awareness of something does not necessarily lead to action. Although these are suitable initial targets for the Scheme over time measures that focus on more than just awareness will be required.</p>

**Table 3: Accessibility Targets - WALGA comments**

<b>Target</b>	<b>WALGA comment</b>
<p><i>Provide a prescribed level of access in all region - minimum number, type and availability of collection services.</i></p>	<p><b>Support</b></p>
<p><i>Set appropriate standards for collection sites – meet Work Health and Safety and environmental requirements.</i></p>	<p><b>Support</b></p> <p>As with the NTCRS it is important that Scheme specific, fit for purpose, requirements are developed for collection sites.</p>
<p><i>Self-nominated collection sites - The Scheme would recognise self-nominated collection</i></p>	<p><b>Support</b></p>



<p>sites, provided they meet collection site requirements.</p> <p>For example, if a Local Government waste facility nominated as a collection site, the Scheme Administrator would have to arrange for free-of charge collection and recycling of in-scope material from that site.</p>	<p>This meets Local Governments requirement of ensuring that any material collected is recycled at no cost to the site.</p>
<p><i>Educating and advertising obligations</i> - the Scheme Administrator, either directly or through Network Operators, would be required to improve public awareness of collection and drop off opportunities.</p>	<p><b>Support</b></p> <p>One of the challenges with the access obligation for the NTCRS was initially there was no requirement to promote collection locations.</p>

## 5 Conclusion

WALGA considers that the Scheme outlined in the Discussion Paper has the potential to address the majority of issues that Local Government has raised with the NTCRS and consideration of the key components of a successful Product Stewardship Scheme, including that:

- The Scheme must guarantee that all costs associated with the recycling of e-waste and PV's is covered. This includes transport cost, which is particularly important for regional and remote Local Governments.
- The Scheme must cover all electronic waste and be designed to include additional products.
- There is equitable access to the Scheme across Australia.
- Targets must not limit collection amounts and need to align with infrastructure and market availability.

Other key issues highlighted in WALGA's submission include ensuring that there is annual feedback from key stakeholders, such as Local Government, to identify if other types of electronic waste outside the Scheme are increasing and should therefore be considered for inclusion and that the Department has sufficient capacity to act on such information. The proposed Scheme does not include e-cigarettes, however it is vital that an effective program is put in place for these products, WALGA has suggested the Return Unwanted Medicines program as one option.