

Submission on the *Reform of Packaging Regulation Consultation Paper*

October 2024

About WALGA

The Western Australian Local Government Association (WALGA) is an independent, member-based, not for profit organisation representing and supporting the WA Local Government sector. Our membership includes all 139 Local Governments in the State.

WALGA uses its influence, support and expertise to deliver better outcomes for WA Local Governments and their communities.

We advocate to all levels of Government on behalf of our Members, and provide expert advice, services and support to Local Governments.

WALGA's vision is for agile and inclusive Local Governments enhancing community wellbeing and enabling economic prosperity.

Acknowledgement of Country

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 Nyoongar People, where WALGA is located and we acknowledge and pay respect to Elders past and present.

Introduction

WALGA welcomes the opportunity to comment on the Department of Climate Change, Energy, and the Environment and Water (DCCEEW) [Reform of Packaging Regulation Consultation Paper](#) (Consultation Paper).

This Consultation Paper follows on from the consultation on the current regulatory arrangements for packaging, the National Environmental Protection (Used Packaging Material) Measure 2011, in 2021. WALGA's [Submission](#) did not support the current approach and recommended that packaging product stewardship be made mandatory and be brought under the national legislation.

This Consultation Paper outlines the options to reform Australia's packaging regulations to minimise packaging waste and pollution and build a circular economy for packaging. Under a circular economy, packaging would be designed to reduce waste, be recyclable and use recycled content, and used packaging would be collected and reused, or recycled back into packaging or other valuable products.

The Consultation Paper identifies the current problems with packaging management in Australia, including:

- Impact of landfill and litter on the environment
- Too much packaging being placed on the market, with limited design for recyclability
- More collection and recycling capacity needed
- Slow market development for used packaging materials
- Impact on recycling outcomes of complex and non-transparent information.

Three options for packaging reform are identified:

1. Strengthening administration of the co-regulatory arrangement: Improve existing arrangements through stronger compliance and enforcement and education program to minimise those businesses that are not taking responsibility for their packaging.
2. National mandatory requirements for packaging: uses national legislation, would place bans on problematic materials and chemicals of concerns, mandate minimum recyclability of packaging and minimum recycled content thresholds.
3. An extended producer responsibility scheme for packaging: Government would establish a national Scheme, with Industry led outcomes and mandated requirements. Scheme fees and eco-modulated fees based on packaging placed on the market would support the administration of the Scheme and other outcomes. Mandatory obligations relating to packaging design, similar to option 2, would be part of the Scheme.

This Submission provides some general comments on the Consultation Paper and uses WALGA's Product Stewardship [Advocacy Position](#) and [Policy Statement](#) to analyse the options and provide a recommendation for Government to progress.

General Comments

The Consultation Paper presents a comprehensive overview of the issues with packaging design, management and recovery in Australia and reinforces many of Local Governments' concerns. Some general comments:

- Kerbside harmonisation: commentary in the Consultation Paper states a lack of national harmonisation in Australia's kerbside collection system contributes to complex and unclear information. WALGA has worked with other State and Territory Local Government Associations and the Australian Local Government Association (ALGA) on this issue. Local Governments are largely consistent in their messaging regarding what to put in kerbside bins. Where there is variation, it is due to recycling sorting and material processing options available in that location.
- Measures of success - the measures outlined in section 4.3 are largely supported, however:
 - Volume: Recovery amounts are usually measured in tonnage (weight based) rather than volume (space based). Recommend that a weight based measure be used for products.
 - The amount of packaging sent to landfill per capita is reduced: This metric is difficult to measure directly unless comprehensive landfill audits are conducted prior to and post implementation. What can be measured is the amount of material recovered per capita. If the amount recovered is subtracted from the amount placed on the market it would provide the amount landfilled and disposed of as litter.
 - Litter: Most jurisdictions are using a similar litter methodology, as litter is identified as part of the problem definition it would be useful to have a measure relating to litter.

Comparison of Options

Local Government considers that industry should take responsibility (physical and/or financial) for the waste that it generates through the entire life cycle of the products it produces through the implementation of effective product stewardship. Without effective product stewardship, there will be increasing costs for the community, resource recovery targets will be difficult to reach and a transition to a circular economy is unlikely. Table 1 compares the characteristics Local Government has identified as characteristics of effective product stewardship against the three options provided in the Consultation Paper.

Table 1: Characteristics of Effective Product Stewardship and Packaging Options

Characteristics	Option 1	Option 2	Option 3
Producers and importers taking responsibility for post consumption product impacts.	Red	Red	Green
Schemes covering the entire cost of product recycling or recovery, including transport.	Red	Red	Green
Leveraging existing Schemes and collection locations.	Yellow	Red	Yellow
Being easy and convenient for the community to access.	Green	Green	Green
Having equitable national coverage and access for all, including regional and remote locations.	Yellow	Green	Green
Being evidence based.	Green	Green	Green
Consistent regulation and implementation across Australia using national Product Stewardship legislation.	Red	Green	Green
Timely action and industry cooperation during Scheme development and implementation.	Yellow	Yellow	Green
Being demand based and aiming to recover the maximum amount of material, rather than being limited by targets	Yellow	Yellow	Green
No additional cost to consumers when the product is disposed of post consumption	Green	Green	Green

Conclusion

Based on the analysis of the options, **WALGA supports Option 3**. This option has the flexibility to address the concerns of Local Governments in Western Australia, by changing how packaging is designed to make it more recyclable, using the eco-modulated fees to fund key programs and having a product stewardship organisation tasked with overseeing program implementation.

Option 1 is a strengthening of this current arrangement, which is not supported as it has significant flaws as outlined in the [WALGA Submission](#) on the review of the NEPM. Option 2 focuses on government regulation only, without any product stewardship organisation. It would achieve some outcomes in relation to design for recyclability but does not include a funding mechanism for infrastructure or to underpin costs.

Recommendation: The Australian Government implement Option 3: An extended producer responsibility scheme for packaging.