



Submission Coversheet

Consultation Paper on the Proposed Model for Accreditation of Voluntary Product Stewardship Arrangements

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27 March 2012

Our Ref: 05-040-03-0001DT:EF

Product Stewardship Policy Team
Department of Sustainability, Environment, Water,
Population and Communities
GPO Box 787
Canberra ACT 2601

To Whom It May Concern

Consultation Paper on the Proposed Model for Accreditation of Voluntary Product Stewardship Arrangements

Thank you for the opportunity to comment on the above consultation paper. 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). Due to meeting schedules, this Submission has not yet been endorsed by MWAC, however it will be put before the Council at the earliest opportunity (Wednesday 18 April 2012). The Department will be informed of any changes to this Submission following consideration by MWAC.

MWAC is a strong supporter of Extended Producer Responsibility (EPR), and commends the Commonwealth Government on the development and implementation of the *Product Stewardship Act 2011* (the Act). It is the opinion of Local Government that there needs to be a fundamental shift in how responsibility for waste management is assigned, and the Act is considered to be a positive step towards bringing about effective change. The current assumption that Local Government can continue to provide services for all products is not sustainable. Waste is no longer simple, cheap or easy to deal with; as waste increases in volume and complexity so does our understanding of the impacts of waste on the environment, society and the economy.

Please find attached the MWAC Policy Statement on Extended Producer Responsibility that outlines Local Government support for the identified key outcomes of EPR:

- Clear, sensible and effective designations of responsibility for the management of lifecycle impacts of products;
- Improved valuation, pricing and incentive mechanisms;
- Greater investment in infrastructure and research and development; and
- Greater transparency and accountability.

The Policy Statement has been used as a tool to guide the MWAC response to the Consultation Paper on the Proposed Model of Voluntary Product Stewardship Arrangements.



1. Jurisdictional coverage

The Association is concerned with the proposed approach to 'jurisdictional coverage': An arrangement that only covers two states or territories is not delivering national coverage. The Association firmly supports the implementation of national schemes that deliver outcomes that benefit the entire country. The Association not only supports equalisation of services, but also the development of services and schemes that take into account local conditions across Australia. The Association believes that the Commonwealth Government has a responsibility to ensure that all states and territories have access to effective product stewardship arrangements, whether they are mandatory, co-regulatory or voluntary.

Recommendation: That the Model for Accreditation of Voluntary Product Stewardship Arrangements includes the requirement that outcomes of the arrangement will have a positive effect nation-wide.

2. Multiple arrangements

The Association supports the proposal that two or more administrators may apply for accreditation in relation to the same or similar voluntary product stewardship for a class of products, due to the potential for greater national coverage. There is a concern, however, that consumer confusion may occur if the development and approval of these arrangements are done in an ad hoc manner. It is also possible that arrangements will be less effective if product stewardship is not implemented in a coordinated way. The Association supports a coordinated approach to the development and approval of multiple arrangements for a class of products.

Recommendation: That the Department of Sustainability, Environment, Water, Population and Communities is involved in the coordination of multiple arrangements for a class of products to ensure adequate national coverage of arrangements.

3. Best practice outcomes

The Association is supportive of the requirement that the applicant demonstrates that it is currently achieving and will maintain best practice outcomes, to ensure the delivery of real and effective outcomes. The role of the Department in assessing best practice outcomes and the adequacy of proposed targets needs to be clarified. While the Association supports the implementation of a public comment phase as part of the assessment to ensure transparency of the proposal, the suitability of the Department in assessing whether or not the applications meet best practice standards is in question if it does not have the relevant expertise in-house. The Department needs to build its own capacity to expertly judge the assessment of best practice guidelines, and not rely only on the opinion of the applicant.

Recommendation: The Association is supportive of the implementation of a public comment phase as part of the assessment of voluntary product stewardship arrangements.

Recommendation: That the Department of Sustainability, Environment, Water, Population and Communities commits to ensuring that it has the capacity to adequately assess the suitability of best practice standards and targets.

4. Product Stewardship logo and promotion of the Scheme

The Consultation Paper provides guidelines on how an arrangement is to use the Product Stewardship logo. What is not clear is what education strategies the Commonwealth Government will be undertaking to promote the Logo and voluntary product stewardship arrangements in general. Promotion undertaken by the Commonwealth Government could go some way to limiting consumer confusion as to the purpose of the



voluntary arrangements, as well as encourage the development and implementation of more voluntary product stewardship arrangements.

Recommendation: That the Department of Sustainability, Environment, Water, Population and Communities release details of its communication strategy to promote the Product Stewardship logo and the principle of voluntary product stewardship arrangements.

5. Priority products and filling the gap

Under Section 108A of the Act, the Minister is required to publish a list of classes of products each financial year for which the Minister considers might be appropriate to develop some form of accreditation or regulation under the Act. The priority products list, in accordance with the Act, only applies to co-regulatory and mandatory product stewardship arrangements. The Association recommends that a similar list is developed for products that are considered more appropriate for a voluntary product stewardship approach. The Association is concerned that the Commonwealth Government will choose not to develop co-regulatory or mandatory product stewardship arrangements for classes of products if a voluntary arrangement is in place. The Association sees the role of voluntary arrangements as a way to “fill the gaps” left after co-regulatory and mandatory schemes are implemented. The approvals process for voluntary product stewardship arrangements should include an assessment of whether or not a voluntary approach is appropriate for this class of product. A list of classes of products deemed suitable for voluntary product stewardship should be developed in parallel to the development of the priority products list.

Recommendation: That the approvals process for voluntary product stewardship arrangements be assessed against the Minister’s list of classes of products to ensure the appropriate approach to priority products is undertaken.

Thank you again for the opportunity to comment. If you have any questions regarding our submission, please contact Waste Policy Coordinator, Erin Fuery on (08) 9213 2086 or efuery@walga.asn.au.

Yours sincerely

Cr Doug Thompson
Chair, Municipal Waste Advisory Council