



Submission Coversheet Product Stewardship (Television and Computer) Regulations

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Date of submission: 10 October 2011

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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 Municipal Waste Advisory Council is a standing committee of the WA Local Government Association, 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). The Regional Councils members of MWAC include the Eastern Metropolitan Regional Council, Mandarie Regional Council, Southern Metropolitan Regional Council, Rivers Metropolitan Regional Council, Western Metropolitan Regional Council, City of Greater Geraldton and Bunbury-Harvey Regional Councils. 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.

Due to meeting schedules and the short timeframe of the consultation, this Submission has not yet been endorsed by MWAC, however, it will be put before the Council at the earliest opportunity (Wednesday 23 November 2011) and the Department will be informed of any changes to this Submission following consideration by the Municipal Waste Advisory Council.

Executive Summary

Local Government strongly supports government intervention and an Extended Producer Responsibility approach to the management of end of life televisions and computers.

The Municipal Waste Advisory Council is appreciative of the opportunity to comment on the Exposure Draft of the Product Stewardship (Televisions and Computers) Regulations 2011 (the Regulations) and the approach taken by the Department of Sustainability, Environment, Water, Population and Communities in this regard.

This Submission is based on previous comments made by the Association in relation to the development of the TV's and Computers Product Stewardship Scheme.

Recommendations

- The Department make the mapping of population areas publically available and commit to annual updating of the data OR take a radius approach to determining service provision.
- Every town with a population of 10,000 or greater should receive an annual service.
- The Scheme should be delivered at 'no net cost' to Local Government.
- The Regulations make it clear that approved Arrangements have an obligation to take (through approved recyclers) and pay for any tonnage of eligible material collected by agreed collection points.
- That the Material Recovery Target be increased to 90% with subsequent increases scheduled over time to encourage increased recovery of material and more sustainable product design.

- Additional detail be included in the Regulations or guidance documents for Arrangements which identify the range of risk management considerations which should be taken into account.
- As the current, main service provider to the community, that consultation with Local Government be specifically included in the Regulations as a requirement of Arrangements.

Introduction

The Association has made several previous Submissions on the development of the TV's and Computers Product Stewardship Scheme regarding Local Governments requirements for a Product Stewardship Scheme. Table 1 outlines these components and whether they are (and can be) catered for in the Regulations.

Key Recommendation	Comment
That the National E-waste Product Stewardship Scheme has a clear aim, sets tangible targets and clearly defines the roles and responsibilities of each stakeholder group.	<p>The Target for the Scheme are clearly identified in Schedule 2 and Targets for material recovery are also included – see further comment on the need to strengthen this Target.</p> <p>The role of the Administrator and Commonwealth Government is clearly established, however the role of Local Government may vary depending on the product collection Arrangement used.</p> <p>The specific role of Local Government will need to be negotiated with industry for the specific schemes.</p>
Due to Local Governments current involvement in e-waste collection, the Commonwealth Government involves Local Government in negotiations regarding the content and promotion of the National E-waste Product Stewardship Scheme.	There is no specific provision for consultation with Local Government. See further comment in this Submission on the need to include this.
That the Commonwealth Government provide a long-term commitment to the National E-waste Product Stewardship Scheme.	Through the Product Stewardship Act and the associated Regulations, the framework for a long term commitment by the Commonwealth has been established. The Regulations plan for a 10 year time frame for the Scheme.

Table 1: Key Recommendations for a Product Stewardship Scheme for TV's and Computers

Division 3.1 Outcomes

3.01 Outcomes and 3.03 Reasonable Access – general requirements

The Regulations outline the commitment by the Scheme to deliver “reasonable access” to collection services by 1 July 2012, in the following areas:

Metropolitan areas (number of collection services at least 1 service per 250,000 people, per financial year)

Inner regional areas (at least 1 service per town population 10,000, per financial year)*

Outer regional areas (at least 1 service per town population 4,000, per financial year)**

Remote areas (1 service per town population 2,000, every 2 financial years)***

Note:

*100km radius around the area considered serviced

**150km radius around the area considered serviced

***200km radius around the area considered serviced

The definitions of the different service areas are in line with the Australian Standard Geographic Classifications – ABS, 2006.

The distances are given “distance by road”. Although this takes into account concerns in relation to travel distance, there may be problems with calculation and ongoing maintenance of this data.

It is understood that the Department has mapped this information, however unless publically available it will be very difficult for Arrangements or Local Governments to determine if they are covered by the Scheme and the level of service that needs to be provided. This data will also have to be continually updated, as roads are put in or change. A more simple approach would be to use a radius of, for example 100km, rather than a distance by road. Without the mapping data it is difficult for Local Government to assess what the different levels of service would mean for the state and consequently comment on the appropriateness of these distances.

For the metropolitan area in Perth, approximate population 1.5 million (by ABS 2006) these Regulations would see 6 collection services.

Recommendation: The Department make the mapping of population areas publically available and commit to annual updating of the data OR take a radius approach to determining service provision.

The Regulations outline the commitment by the Scheme to deliver “reasonable access” to collection services by 1 July 2012. There are some concerns with how the “reasonable access” test will be applied to remote areas (using the classifications applied in the Regulations). This could see towns, such as Broome, Karratha and Port Hedland, with populations over 10,000 only receive a service every 2 years. Services need to address the population of the area – regardless of the ‘classification’. This is particularly significant for areas such as Karratha and Port Hedland which have been identified as potential growth areas for the State (with population increases of up to 50,000).

Recommendation: Every town with a population of 10,000 or greater should receive an annual service.

Charging for service

Under Section 3.01 2) a) it states “a person must not be charged for a collection of product for recycling if the product was used only for household purposes”. Local Government has previously identified that there is a cost to any collection and that a fee for service is one way Local Government can recoup these costs. In order to deliver current services Local Government has invested in infrastructure, staffing and has an ongoing cost for service delivery and recycling.

Recommendation: The Scheme should be delivered at ‘no net cost’ to Local Government.

Division 3.3 Recycling

3.05 How recycling targets may be met

This section of the Regulations allows for additional tonnages collected in one financial year to be ‘banked’ and contribute toward the achievement of the next years Target. This is limited to only 25% of the next years Target.

Local Government has expressed concern about what happens if in excess of Target amounts are collected. The ability for Arrangements to ‘bank’ any excess tonnage will assist in addressing this, however Local Governments concern remains given there is a substantial amount of material potentially available for recycling. One approach to addressing this issue would be for the Arrangements to guarantee that they would accept/pay for all eligible material collected. This would only apply to collection points, where there was an agreement to supply and parameters could be added into the agreement with regard to promotion and other stimuli for supply. Without such assurances, Local Government may be reluctant to take part in the Scheme.

Recommendation: The Regulations make it clear that approved Arrangements have an obligation to take (through approved recyclers) and pay for any tonnage of eligible material collected by agreed collection points.

Division 3.4 Material recovery from recycling

3.06 Material Recovery Targets

A material recovery target of 75% is indicated in the regulations. Local Government previously expressed concern that a recycling target does not guarantee that the material that is collected is actually reprocessed; the proposal for a material recovery target would assist in ensuring this concern was addressed. However, feedback from Local Governments and their current recycling providers indicated that a target of 75% was very low and most were achieving in excess of 90% recovery. There was also feedback that a material recovery target this low was likely to result in much reduced recovery. There is also a clear community expectation that material which is collected is recovered and reprocessed – any move from current high levels of recovery would be a backwards step.

Within the Regulations there are no measures or controls which address the design of products, to increase the recoverability of products – the material recovery target could act as one tool to assist this. However, again if the Target is too low it is not likely to drive any improvements in relation to design and will, if anything, potentially reward companies which use non-recyclable material and recyclers who do not recover the maximum amount of material.

Recommendation: That the Material Recovery Target be increased to 90% with subsequent increases scheduled over time to encourage increased recovery of material and more sustainable product design.

4.01 Matters to be dealt with in co-regulatory arrangements

These matters outlined include:

- Governance systems (meeting outcomes and requirements of the Regulations, managing risk, resolving disputes and replacing the administrator);
- Financial arrangements and funding to achieve the outcomes of the Regulations;
- Procedures relating to membership of the Arrangement;
- Communication information to the public about the arrangement and how services can be accessed; and
- Assessing environmental, OH&S policies in relation to collection, storage, transport or recycling of products under the Scheme.

As noted in the Association's previous Submission, Local Government would like to highlight the importance of the risk management section, particularly the need to ensure contingency planning. The market reality is that recycling is dependent on the price in an international market. The Global Financial Crisis and the resultant downturn in the price of recyclables emphasised the vulnerability of the recycling industry. It should also be noted that markets are not nationally consistent.

As markets are likely to continue to fluctuate the design and structure of an EPR Scheme must consider this. If the downturn in prices is long term, the viability of companies may be threatened. If there is no plan (e.g. additional storage, alternative markets, other service providers etc) the effectiveness of the program is likely to be impacted upon. In The effect of the substantially greater amount of material a scheme would generate on the market must also be considered.

Recommendation: Additional detail be included in the Regulations or guidance documents for Arrangements which identify the range of risk management considerations which should be taken into account.

Local Government considers that consultation with current service providers (in this case Local Government) this is an essential part of any assessment of an Arrangement. Consultation is essential because whatever service is put in place will affect Local Government as a collection agent and general service provider. It is important that any information provided by the Arrangement is consistent with the messages being promoted at a state and local level.

Recommendation: As the current, main service provider to the community, that consultation with Local Government be specifically included in the Regulations as a requirement of Arrangements.

Schedule 2 Percentage Targets

Targets are set for both Televisions and Computers, printers and computer products. These Targets are more ambitious than those in the Consultation Paper. The Regulation Targets see a 30% recovery rate in 2012/13, increasing annually to 80% by 2021/22. Local Government supports strong recovery targets, however as identified in previous Submissions note the need to ensure that the e-waste recycling industry is suitably equipped and has capacity to process the substantial increase in volume and has sufficient markets for materials recovered.