

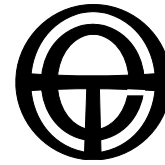
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SUBMISSION ON PRODUCT STEWARDSHIP BILL

6 April 2011

1. S4(3). Objects of Act – the Act should also contribute to ‘reducing the amount of virgin resources’ used in products by preferencing recycle.
2. S5. Product Stewardship criteria – we strongly support that only 2 criteria need to be satisfied.
3. S9. Relationship to State and Territory laws – while the intent is to seek a national approach there is a clear risk that a regulation under the Act could dumb down the achievement of a state law by reducing targets and quality of outcomes. Thus there should be protection of state laws that achieve more or a clause inserted that ensures a regulation achieves more than the best applicable state law in relation to targets and quality of outcomes.
4. Part 2. Voluntary product stewardship – a key problem is introduced in that there is no requirement for the Minister to assess whether a voluntary scheme is the best approach. The term ‘public interest’ while it should be retained is not specific enough for this important matter. This problem could be partly solved by the Minister seeking the advice of an independent stakeholder/expert committee (see below) and subjecting his considerations to public consultation.

The likelihood of a weak voluntary scheme is further exacerbated by the fact that co-regulatory and mandatory schemes will be subject to an extensive regulatory impact statement process which will compare options.

New and existing voluntary schemes invariably involve low targets and slow achievement. The regulatory impact statement process takes a number of years (the imminent e-waste program took 7 years to come to fruition) and the narrow approach to benefits and costs taken by the RIS regulator is not conducive to new environmental policy. The Minister should have the capacity to inject the broader ‘community benefit interest and willingness to pay’ to override narrow RIS terms of reference and replace the current RIS process itself.

Additionally there are no requirements relating to record-keeping, giving information and reporting, including annual public reporting. While these may be included in further regulation they are important enough to be included in the primary legislative instrument.

5. Parts 3 & 4, Co-regulatory and mandatory product stewardship – similarly there should be a requirement in relation to annual public reporting. All three scheme types should be subject to annual auditing and public reporting with triggers to move to additional regulation where they are failing.
6. A Product Stewardship Advisory Committee with broad stakeholder and expert membership and the capacity to independently assess application of criteria and schemes and propose better approaches should be established in the Act, to give the minister alternative advice to the bureaucracy.
7. The Act should ensure there is no unlimited ‘carry over’ of unmet annual targets. Instead there should be significant penalties.

Jeff Angel
Executive Director