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Committee Secretary
Senate Standing Committee on Environment and Communications
PO Box 6100
Parliament House
CANBERRA ACT 2600

Submission to the Senate Environment and Communications Legislation Committee inquiry into the Product Stewardship Amendment (Packaging and Plastics) Bill 2019

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW welcomes the opportunity to make a submission to the Senate Environment and Communications Legislation Committee Inquiry into the Product Stewardship Amendment (Packaging and Plastics) Bill 2019 (the Bill). Please note that the following comments are provided in draft form pending endorsement by the LGNSW Board. We will advise of any changes to the submission after the Board's consideration.

LGNSW has long advocated for producers to be required to take greater responsibility for their products, and we support working with the Federal Government to introduce producer responsibility schemes for soft plastics and other emerging problem wastes.

We, in principle, support mandating product stewardship for problem wastes, particularly when voluntary and coregulatory arrangements fail. However the timing of the presentation and reading of this Bill is premature. For the first time there is real opportunity for reforms in packaging and plastics at national and state/territory level that will evolve the underlying circular economy.

Many initiatives are underway or planned that are consistent with the approach taken in this Bill. These initiatives will set strong foundations, such as data, baselines, material flows, infrastructure and market development, required for a successful product stewardship scheme for packaging and plastics in the near future.

It is recognised the voluntary Australian Packaging Covenant, in place for nearly 20 years to reduce the environmental impacts of consumer packaging, has not delivered to expectations. However significant work by APCO members is underway on the COAG packaging targets (albeit non-binding) that will inform the development of a robust mandatory product stewardship scheme for packaging and plastics.

Further work is required to develop robust baselines from which mandatory targets can be set, for example, already one of the APCO targets (average of 30% recycled content in packaging by 2025) has been met. The *National Environment Protection (Used Packaging Materials) Measure 2011*, that requires all states and territories to provide and enforce regulations to underpin the Covenant, has also been problematic in its enforcement. This Measure is expected to be reviewed shortly.

The National Waste Policy agreed to by federal, state and local governments and its Action Plan includes the COAG targets as well as an 80% recovery rate of material across all waste streams and a commitment to drive procurement strategies for recycled material.

An export ban on waste plastic, paper, glass and tyres that have not been processed into a value-added material has been announced, including a timeline of July 2021 for banning mixed waste plastics. This will require the strategic development of significant domestic reprocessing manufacturing facilities for plastic as well as the development of end markets.

The long awaited review of the Commonwealth *Product Stewardship Act 2011* will be released shortly. This Act has been under-utilised with no approved mandatory product stewardship schemes and only one approved co-regulatory scheme and two accredited voluntary schemes enacted in eight years. The establishment of industry-led voluntary schemes outside of the Act, such as for tyres, paint, printer cartridges, and mattresses, has been drawn out, with still no schemes for priority problem wastes such as batteries or photovoltaics. Any amendment to this Act, such as the proposed Bill, should wait until the recommendations of the review are implemented. The Australian Government's election commitment of \$20 million for the Product Stewardship Investment Fund is also yet to be released.

Various states and territories are developing policy and legislation on single use plastics, as well as the circular economy, that are at various levels of adoption. The NSW Government has announced the development of a Plastics Plan as part of the NSW 20-year Waste Strategy.

The capacity and capability of the recycling and remanufacturing industry in Australia to respond to a mandatory product stewardship scheme for packaging and plastics will be crucial, as too will be the pull through from domestic markets for recycled content, including through government procurement.

It is important that any amendments to the existing Act should provide clear policy direction and an overarching framework to guide the development of sound, practical regulation that provides the 'how to' for the amendment, including listing product types and setting of levies.

LGNSW would welcome the inclusion of packaging targets within the *Product Stewardship Act 2011* once the review of the Act is complete, robust baselines are known and realistic, knowledge-based targets for plastics and packaging are agreed between all levels of government. This should be achievable with the initiatives currently underway. LGNSW is also supportive of a national container deposit scheme.

Thank you for considering this submission. If you would like to discuss this further please contact Susy Cenedese, Strategy Manager – Environment, at susy.cenedese@lgnsw.org.au.

Yours sincerely

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