

Questions on the Proposal to regulate e-products

Your answers to the following questions will help us develop a fit-for-purpose regulatory product stewardship scheme.

There are 44 questions. You can use this document to submit an organisation-wide response with input from multiple people. When you have completed this document register your details at the [Have Your Say consultation page](#) and upload your submission by Sunday 23 July 2023.

Introduction

1. I am a(n): [Check up to 3 boxes below]

- | | |
|--|---|
| <input type="checkbox"/> Consumer | <input type="checkbox"/> Recycler |
| <input type="checkbox"/> Manufacturer or distributor | <input type="checkbox"/> Industry body |
| <input type="checkbox"/> Retailer | <input type="checkbox"/> Academic |
| <input type="checkbox"/> Recycling scheme | <input type="checkbox"/> Commercial power generator |
| <input type="checkbox"/> Installer | <input checked="" type="checkbox"/> Other [Explain in the text box below] |

Northern Sydney Regional Organisation of Councils

NSROC has eight member councils viz. Hunter's Hill, Hornsby, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde and Willoughby.

Note: This submission should be seen as a draft until it is formally endorsed by the NSROC Board

2. How concerned are you about solar PV system waste? [Check 1 box below]

- Very concerned
- Concerned
- Neutral
- Unconcerned
- Very unconcerned

3. How concerned are you about waste from electrical and electronic equipment?
[Check 1 box below]

Very Concerned

Concerned

Neutral

Unconcerned

Very unconcerned

4. Do you think government intervention (such as regulation) is needed for Australia to better manage small electrical products waste?

[Select **Yes**, **No** or **Maybe** from the **Choose an item** drop down below]

yes

[Type a response in the text box below if you answered **Yes** or **Maybe** at question 4]

Yes The NTCRS plays a valuable role in recycling specific types of e-waste but does not cover the myriad of electrical items discarded by households which needs to be disposed (generally by landfilling) by councils. The range of items and disparate nature of the collection/disposal services makes it too challenging to easily recycle these materials. Furthermore, because manufacturers and importers are not responsible for end of life outcomes, there is no incentive on them to increase repairability, reuse or recyclability. Typically the cost of managing these items used in households at end of life is left to the local council. Making the manufacturers/importers responsible can offer an incentive to invest in a more circular use of the component materials, improve design and help ensure that economies of scale for end of life uses can be achieved where possible.

5. Do you think government intervention (such as regulation) is needed for Australia to better manage solar photovoltaic system waste?

[Select **Yes**, **No** or **Maybe** from the **Choose an item** drop down below]

yes

[Type a response in the text box below if you answered **Yes** or **Maybe** at question 5]

Solar photovoltaic systems are an emerging waste stream which appears to offer potential for considerable recycling that is unlikely to be realised without assistance. For example, panels and associated materials from roof top systems in metropolitan areas will often be replaced by trades people who will end up with a small number of waste items. The panels may also be mixed with other wastes when a demolition or refurbishment occurs at a property. The costs for an individual to dispose of the panels are likely to be no greater than the cost to take it to a commercial processor unless such processing is subsidised or there are regulatory barriers to disposal in landfill.

6. Do you think there is sufficient information available to consumers on how their choices can reduce e-waste and how to safely manage e-waste?

[Select **Yes**, **No** or **Maybe** from the **Choose an item** drop down below]

no

[Answer question 7 below if you selected **No** at question 6]

7. What additional information do you think should be made available to consumers?

[Check any or all the boxes below]

- Information on the difference my purchase and disposal choice can have on human health and the environment.
- Accessible information on how I can easily dispose of my unwanted e-waste.
- Easily understood information on the impacts if my e-waste goes to landfill.
- Information on the rules relevant to me in my state/territory and what I should do to comply with these rules.
- Other. Type a response in the text box below to explain.

The community is supportive of opportunities to dispose of e waste at no obvious cost and supports events such as drop off days. The two Community Recycling Centres in this region collect about 500 tonnes of e waste as a free drop service . Clearer guidance on local options and what e waste can be recycled is needed. If an accessible reuse opportunity exists this should be explained, as well as ways to protect the privacy on their data where items are beneficially reused.

8. Select one or more of the following objectives you think the scheme should focus on.

[Check any or all the boxes below]

- Reduce waste to landfill.
- Increase the recovery of reusable materials.
- Provide convenient access to e-stewardship services across Australia.
- Support Australia's transition to a more circular economy.
- Foster shared responsibility across the lifecycle of covered products.

9. What objectives should be included or excluded? Type your response in the text box below.

Prolong the life of products or constituent resources through options such as improved quality, repairability, better design, avoiding of hard to recycle components or modular construction.

Scheme administration

10. Explain any concerns about the scheme model proposed in the discussion paper?

Type your response in the text box below.

Although one intention of the proposed structure is to avoid shifting costs to Councils and ratepayers, it will be difficult to avoid that. Councils will be pressured by their residents to offer multiple locations where drop off can occur locally. However, with the support of their communities Councils may be prepared to offer such opportunities/locations where drop off can be permitted. Furthermore, as many councils and ratepayers are already covering the cost of the collection and disposal of e wastes outside the NTCRS, the e-stewardship scheme should reduce those costs.

Councils will also be pushed by scheme network operators to support the scheme delivery and potentially accept reduced amenity for some residents to increase the viability of the operators' commercial model. For example, the NSW Container Deposit Scheme (CDS) saw considerable pressure on councils to identify land such as council carparks where containers could be collected and also often left them managing associated non scheme waste and littering in the vicinity as well as dealing with the noise and amenity nuisance suffered by nearby owners.

11. What do you think are the key benefits from the scheme model proposed in the discussion paper? Type your response in the text box below.

The structure of the model looks similar to the NSW CDS but is also based on international e waste schemes. It allows the federal government to set the requirements and compels liable parties to participate. This should reduce free loaders and establish a scheme aimed at achieving cost effective outcomes rather than risking industry creating a monopolistic scheme or pursuing commercial benefits at the expense of the consumer.

Having a single scheme administrator should help avoid the risk that has occurred with the NTCRS where Coregulatory Arrangements have changed over time leaving customers without a service until alternative arrangements can e developed.

12. Is there a different scheme model you believe would be more effective?

[Select **Yes** or **No** from the **Choose an item** drop down below]

no

If you answered **Yes** at question 12, type your response in the text box below to describe the model and its benefits.

Liable parties' responsibilities

13. Do you agree that only first importers and producers should be liable parties?

[Select **Yes** or **No** from the **Choose an item** drop down below]

yes

[Answer question 14 below if you answered **No** at question 13]

[Answer question 15 below if you answered **Yes** at question 13]

14. What other participants in the supply chain should be considered liable parties, and why?

Type your response in the text box below.

15. The Scheme administrator is responsible for setting fees paid in advance by liable parties. If any, describe what role government should have in setting fees?

Type your response in the text box below.

The government should have the power to ensure it is provided with sufficient information about the fees and membership to demonstrate: equity of access for importers/producers; fees reflect the service delivery costs plus an appropriate margin if justified; the identity of all liable parties and that fees reflect all the relevant liabilities.

16. How could eco-modulated fees be incorporated into the proposed scheme?

Type your response in the text box below.

Given that the EU experience has shown the eco-modulation does not of itself incentivise better eco-design it may be possible to require the scheme administrator to promote those liable parties' products which do incorporate more sustainable design.

17. Financial reserves will accumulate from the fees collected from liable parties for solar photovoltaic (PV) systems because there may be decades between when the products are placed on market and when they become waste. If any, describe what role government should take in managing these funds.

Type your response in the text box below.

These reserves need to be sufficient to manage the end of life of the product and may need to accumulate with sufficient growth to reflect future higher costs or disposal requirements. Liable parties should not be able to recover these funds once paid. Sufficient guarantees need to be in place to avoid the scheme administrator being able to avoid applying the funds for their intended purpose.

While commercial entities may deliver cheaper services, these reserves represent a community service obligation and the governance must ensure that those obligations are met. Past experience with mine site rehabilitation etc suggests that some commercial entities will declare bankrupt or move offshore rather than fund such liabilities

Scope

18. Are there any small electrical and electronic equipment products you believe should not be covered under the scheme?

[Select **Yes** or **No** from the **Choose an item** drop down below]

no

[Answer question 19 below if you answered **Yes** at question 18]

19. Which products and why? Type your response in the text box below.

20. Are there small electrical and electronic equipment products that you would like to see added to the list of included products in the discussion paper?

[Select **Yes** or **No** from the **Choose an item** drop down below]

yes

[Answer question 21 below if you answered **Yes** at question 20]

21. Which products and why? Type your response in the text box below.

- Household heating appliances like radiators, fan heaters etc appear to have potential for both reuse (with some restrictions) or recyclability but unless they happen to be all metal are unlikely to be recycled without a Product Stewardship scheme.
- Whitegoods containing refrigerant gases. Although these items miss the classification of small, the environmental risks from the release of refrigerant gases can be significant and should be borne by the importers/producers of these products.
- Other whitegoods. While most are metal it does not appear that the recycling value currently justifies the costs of collection and processing leaving these appliances to be landfilled. Without Product Stewardship the producers/importers can avoid the responsibility for the real lifecycle costs of these products and a readily recyclable material is wasted.
- Although air conditioning systems are proposed to be excluded it would be desirable that they be covered by Product Stewardship requirements in future even though this scheme is probably not the appropriate one.

22. Can you suggest a better method than Harmonised System (Import) codes for defining in-scope products? Type your response in the text box below.

No. This is not NSROC's area of expertise but the use of an existing import/export related system is supported provided that allowance is made for any similar items produced in Australia and not exported.

23. Should the scheme cover all parts of a solar PV system?

[Select **Yes** or **No** from the **Choose an item** drop down below]

yes

Please explain. Type your response in the text box below.

While there are no doubt degrees of difficulty in recycling/reusing different parts of a solar PV system, an inclusive approach should reduce the risk of inappropriate design changes to avoid liability.

Storage batteries associated with solar PV should be covered by a scheme..

It is understood that electric vehicle batteries will be covered under a different Stewardship arrangement and that may also be a suitable scheme for the Household storage batteries as some EV can apparently be used household storage batteries.

24. Are there any products, or specific solar PV products, that should not be covered?

Type your response in the text box below to explain which products and why?

No for the reason stated in the previous question.

25. What do you think are the pros and cons of including, within the scheme, large format energy storage batteries which are attached to solar PV systems?

Type your response in the text box below.

Inclusion in the scheme would ensure the best outcomes for such batteries. Existing recycling arrangements like B Cycle are aimed at smaller batteries and as solar PV storage batteries is an area of expansion, a product stewardship approach will reduce the risk of false economy of cheap batteries with potential to cause significant health or safety risks if disposed improperly.

26. It is proposed the scheme will cover batteries that are embedded in small electrical and electronic equipment but not loose batteries (e.g. AAA batteries). Do you have any concerns regarding the scheme approach to waste containing embedded batteries?

[Select **Yes** or **No** from the **Choose an item** drop down below]

yes

[Type your response in the text box below if you answered **Yes** at question 26.]

Embedded batteries such as Lithium Ion or Nickel Cadmium are generally safer when left in the equipment, If there was a risk that a producer would make these batteries removable to avoid scheme liability that would be undesirable.

Targets and obligations

27. Do you believe that the set of targets and obligations detailed in the discussion paper are appropriate for a product stewardship scheme which covers small electrical and electronic equipment?

[Select **Yes** or **No** from the **Choose an item** drop down below]

no

[Answer question 28 below if you answered **No** to question 27]

28. What changes would you suggest to the proposed targets and obligations?

[Type your response in the text box below.]

NSROC supports the recovery target provided that details of material types are included (in case valuable materials are not recovered) and three of the four access obligations. However, it is considered that the scheme administrator should offer some funding incentives to self nominated sites to assist both councils and NFPs in establishing/offering suitable sites. This is particularly the case where there are difficulties in reaching the required level of access.

NSROC also supports the promotion of re-use but recommends that monitoring occurs over time to ensure that enough repair and re-use organisations seek access to suitable e waste.

29. Do you think the set of targets and obligations detailed in the discussion paper are appropriate for a product stewardship scheme which covers solar PV?

[Select **Yes** or **No** from the **Choose an item** drop down below]

yes

[Answer question 30 below if you answered **No** at question 29]

30. What changes would you suggest to the proposed targets and obligations?

[Type your response in the text box below.]

Transitional arrangements for legacy waste from large-scale PV systems

31. Do you agree it is appropriate that owners be responsible for covering the cost of managing all legacy waste from large-scale commercial solar PV systems (100kW and above?)

[Select **Yes** or **No** from the **Choose an item** drop down below]

yes

[Answer question 32 below if you answered **No** at question 31]

32. What alternative do you suggest? Type your response in the text box below.

33. Do you think it is appropriate to impose a mandatory requirement on owners of large-scale solar PV systems (over 100kW), built before the scheme commenced, to provide information about how they are managing waste?

[Select **Yes** or **No** from the **Choose an item** drop down below]

yes

[Answer question 34 below if you answered **Yes** at question 33]

34. What information should owners of large-scale solar PV systems, built before the scheme commenced, be required to provide to the Scheme Administrator?
[Check any or all boxes below]

- Serial Numbers of deinstalled solar panels, inverters, and batteries.
- Information on the organisation/s that are responsible for the decommissioning of these systems.
- Information on the organisations that are recycling the waste from these systems.
- Information on reuse or export of products.
- Information on the disposal of these systems in landfill.
- Other. Type your response in the text box below.

Data about the results achieved in regard to recycling the waste

What steps the owners are taking to avoid overwhelming regional landfills with the volume of waste or contributing towards the cost of new landfill cells.

[Answer question 35 below if you answered **No** at question 33]

35. Explain why not. Type your response in the text box below.

Scheme arrangements for solar PV

36. The paper suggests less than 100 kW capacity as the definition of small-scale solar PV systems eligible for free services (where they were installed prior to the scheme commencing).
What definition do you suggest from the list below? [Check 1 box below]

- 0-15 kW (predominantly households)
- 0-50kW (mostly households and small business)
- Agree with the less than 100kW proposed (households and businesses)

37. How can the Scheme make collecting and transporting waste from PV systems convenient, efficient and cost-effective for electricians and PV system installers?
Type your response in the text box below.

In metro areas where the waste levy applies, there should be sub regional scale drop off locations so that the tradespeople can readily access a location for the free drop off the materials.

38. What are the minimum requirements that should be set for a collection site to accept PV systems? Type your response in the text box below.

On site unloading; capacity to unload materials on pallets; staff on site to record incoming load; available area for safe storage commensurate with either demand or collection arrangements; storage containers/mechanism appropriate for intended method of recycling eg to prevent glass breakage etc; any arrangements for separation of any units suitable for reuse.

39. Should requirements differ between types of hosts? (For example, for those hosted by local government and those hosted by PV distributors). Type your response in the text box below.

Not automatically but consistent with safe handling and maximising opportunities for reuse and recycling

40. How could the Scheme provide incentives for recyclers to recover more valuable material over time and ensure safe management of hazardous material from solar PV systems?
Type your response in the text box below.

Support research into improved material recovery including processes for valuable materials found in PV equipment.

Support landfill bans for e-waste

Ensure that all solar waste must be managed so that incentives exist for liable parties to improve design to reduce usage of hard to recycle/recover material.

41. The Scheme could allow liable parties, that have imported or produced solar PV systems and components, other options to manage their liability. This could apply when components are used in a large-scale solar project, such as solar farms. These options involve either the liable party or the owner of the large-scale project providing a decommissioning plan and bond, which would allow the financial liability to be met over a longer time frame.

Do you think this approach is appropriate?

[Select **Yes**, **No** or **Not sure** from the **Choose an item** drop down below]

not sure

[Answer question 42 below if you answered **Yes** or **Not Sure** at question 41]

[Answer question 43 below if you answered **No** at question 41]

42. If the owner chooses other options to manage their liability the liable party could be exempt from paying upfront fees to the Scheme Administrator for some components. Which of the following requirements should apply for the Scheme Administrator to provide an exemption?

[Check any or all the boxes below]

- The products or components where an exemption is being sought, must solely be used in a large-scale solar PV system project, such as a solar farm.
- A decommissioning plan that details how the system will be decommissioned, in-scope products will be recycled, and residual and hazardous waste will be managed must be provided to the Scheme Administrator.
- A plan of how requirements of the scheme that would otherwise apply would be met. For example, obligations under the scheme.
- A plan on how the commitments of the decommissioning plan will be transferred if the system is sold before decommissioning.
- The owner provides an appropriate bond, surety or guarantee for the commitments made in the decommissioning plan.
- Other (please specify)

43. Explain why not. Type your response in the text box below.

44. Are there any other comments you would like to make in response to the paper?

Type your response in the text box below.

NSROC councils support the proposed regulatory approach to product stewardship for both small electrical items and small scale solar PV systems. The proposed schemes incorporate learnings from experience of other product stewardship schemes both locally and internationally.

The paper identifies the need for a flexible approach over time as opportunities for recycling and/or reuse increase and NSROC would support regular reviews to ensure that the scheme continues to meet its objectives.

NSROC supports the intention to have a scheme that can be expanded in future to cover a wider range of products such as whitegoods, air conditioning systems. Similar national schemes for EV batteries would also be necessary which include household storage batteries if they do not get covered by this scheme.

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