



Ms Michelle Andrews  
Director General  
Department of Water and Environmental Regulation  
Locked Bag 10  
Joondalup DC WA 6919

Email: [ewaste@dwer.wa.gov.au](mailto:ewaste@dwer.wa.gov.au)

22 November 2023

Dear Ms Andrews

**Re: Draft Waste Avoidance and Resource Recovery (e-waste) Regulations 2023**

Thank you for the opportunity to provide feedback on the Draft *Waste Avoidance and Resource Recovery (e-waste) Regulations 2023*. The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia's \$15.8 billion waste and resource recovery (WARR) industry. With more than 2,200 members from over 400 entities nationwide, we represent the breadth and depth of the sector, within business organisations, the three (3) tiers of government, universities, and Non-Government Organisations (NGOs), including research bodies.

WMRR recognises that the WA government is pursuing this ban and the tight timeframes in line with ministerial directives to support its objectives under the Waste Avoidance and Resource Recovery Strategy 2030. However, WMRR reiterates our 31 March 2023 submission; we do not support a landfill ban in the absence of an integrated WARR system that has the processes, infrastructure, and pathways to collect and recycle/reprocess banned materials, and importantly, the end markets demand for these recycled materials. In WMRR's opinion, bans in and of themselves are not effective in the absence of a full supply chain system response as problematic materials will continue to be produced, and there is a real likelihood of stockpiling and dumping which present real risks to both the community and the environment.

In order for the WARR system to be effective, it must be a shared responsibility across the entire supply chain not simply those that collect material at the end of life. As such, in order to effectively address e-waste, WA policy must foster a circular economy transition to ensure that products are appropriately designed, as well as having appropriate repair, share and recycling opportunities and systems in place to enable true alternatives to disposal, rather than assuming by focusing simply on end-of-life (bans) that these solutions will simply appear. There is significant evidence in Australia to date that the 'collect and they will come' approach is not successful in creating market demand and investment, and due to WA's isolation, and low landfill levy, investment and markets can be even more challenging than for Eastern seaboard states.

In 2023 we have overwhelming economic and regulatory reasons to recognise the true value of resources. Mandated extended producer responsibility (EPR) schemes are not only logical and proven globally and locally, that they provide moral, legal, and financial imperatives for product manufacturers to take responsibility for the products they create. If WA were to take this policy

**WMRR NATIONAL OFFICE**  
57 ST JOHNS ROAD  
GLEBE NSW 2037

(02) 8746 5000  
INFO@WMRR.ASN.AU

**WMRR.ASN.AU**



approach, it has the potential to drive a paradigm shift in the creation of products at first instance, with greater thought and emphasis given to material selection and product design to minimise the costs associated with total lifecycle management.

Regrettably the draft legislation that has been presented is simply a ban and limited collection scheme and will do nothing to drive the systems shift required. It also fails to recognise existing product stewardship scheme for products that are already in existence such as NTCRS, Mobile Muster and B-cycle. It is unclear how the bans will operate with these, and further it fails to capitalise on the need to require producers/ suppliers of these regulated materials to join an accredited product stewardship scheme.

At present the proposed bans are simply a collection scheme that bear no resemblance to EPR and instead place additional responsibility on WARR operators rather than producers. The regulations also lack recognition of work currently underway nationally, and worse they could inhibit the effective implementation of a national e-waste scheme. WA has an opportunity to lead the nation, and practically implement the outcomes of 9 June 2023 Environment Ministers Meeting to create a national scheme. The WA government should utilise the powers under the *Waste Avoidance and Resource Recovery Act* and build on existing product stewardship schemes whilst requiring all electronic goods placed on markets to be part of an accredited e-waste scheme, at the same time as implementing the proposed bans.

WMRR recognises that the WA government has been providing grant funding to support greater e-waste collection and recycling in WA however, as stated above without mandated EPR schemes these are only temporary measures. The community and business education and behavioural change campaign to support EPR and bans must also address the consumption and avoidance piece in general before dealing with the specific items and their pathways to ensure that the environmental and economic objectives of the policy are achieved. The resources and additional costs posed by incorrect disposal and contamination must also be factored in and financially supported by the government. If community and business education is not adequate this policy may have the adverse reaction of forcing service providers and landfill operators to reduce or limit their offerings to protect themselves from the regulatory and safety burden posed by e-waste.

WMRR's responses to the consultation questions can be found at **Annexure A**. Please contact the undersigned if you wish to further discuss WMRR's submission.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Gayle Sloan'.

Gayle Sloan

**Chief Executive Officer**

Waste Management and Resource Recovery Association of Australia

**WMRR NATIONAL OFFICE**  
57 ST JOHNS ROAD  
GLEBE NSW 2037  
  
(02) 8746 5000  
INFO@WMRR.ASN.AU  
  
**WMRR.ASN.AU**

**Submission:**

<p>Part 1 — Preliminary (terms used, exceptions)</p>	<p>The three (3) categories for designated entities (e-waste service provider, landfill operator and significant business) as they currently stand do not make clear if an entity must meet all the requirements or how these respective responsibilities intersect.</p> <p>Of concern however is that these are all end-of-pipe and do nothing to capture producers and manufacturers.</p> <p>The definition of ‘landfill operator’ precludes potentially operators located at landfill sites that recover e-waste (eg tip shops). Intensification of activities at these approved facilities is key to driving resource recovery.</p>
<p>Part 2 — Prohibition of disposal of e-waste to landfill</p>	<p>As above and below e-waste service providers and landfill operators should not be held accountable for the veracity of claims made to them regarding waste.</p>
<p>Part 3 — Specific responsibilities Division 1 — E-waste service providers Storage, treatment, processing, recycling Source separation Recordkeeping Annual returns</p>	<p>While WMRR supports the intent of 9(4) “An e-waste service provider must, to the extent that the provider undertakes the separation or recycling of regulated e-waste, maximise recovery of processed materials and minimise the amount of residual waste from the regulated e-waste.” We query how this will be determined without an understanding of how electronic products are designed and what materials are in fact recoverable. This section is too vague and uncertain to be enforceable</p> <p>The definition of quantity for e-waste reporting requirements is not clear and the systems to track weight or unit counts vary greatly. Clarification is needed to ensure operators and enforcement officers have the same guidance.</p>

<p>Division 2 — Significant businesses Storage and transfer requirements Records</p>	<p>WMRR seeks clarification on both the intent of this inclusion in the Regulations, and the significant business definition (a) “an entity involved in business, industry, trade or commerce ... 200 or more employees” capturing interstate and international organisations as the 200 employees minimum is not defined as residing in WA. If this is the case WMRR queries the resources required to convey these new requirements to end-of-life users and subsequent investigations when producers and manufacturers of e-products through an EPR scheme would be held to account at the start of a products’ lifecycle.</p> <p>Significant business definition (b) “created more than 5 tonnes of regulated e-waste the previous financial year” for an end-of-life product user is very narrow in comparison to (a). Is this definition trying to refer to producers, the product generators? As they currently stand the regulations require clarification on who is being capture and if enforcement will differ between the groups.</p> <p>How the EPA will be able to determine and enforce that definition (a) businesses abide by these regulations (not store e-waste beyond 13 months, store separately and carefully transport) is not made clear. Definition (b) businesses, due to their size will be easier to track and enforce, however WMRR wonders how many businesses will meet this criteria.</p>
<p>Division 3 — Landfill operators Separation of waste Record retention</p>	<p>The community and business education campaign must highlight community/consumer responsibility along with EPR to position the bans in the waste management hierarchy.</p> <p>WMRR is not suggesting councils/MRFs/transfer stations should be held responsible for e-waste in MSW disposal however behaviours must support the higher order intentions of the landfill ban.</p>

<p>Part 4 — Exemptions</p>	<p>Regional and remote areas should explicitly be exempt and clear guidance on what constitutes extraordinary circumstances must be provided along with support to applicants in navigating this process.</p> <p>Timeframes for approval of exemptions are needed to provide clear guidance to industry.</p> <p>Geographical remoteness effects e-waste collection feasibility for local facilities and recovery capabilities however for businesses that have demonstrated their ability to bring regulated e-waste into remote areas, there should be a requirement to hold them responsible for removing and sending these items to recyclers. Eg mining operations or renewable energy ventures should be required to responsibly dispose of these items rather than avoiding the ban and shifting the cost burden for safe disposal onto regional/remote communities. This is only required if WA does not mandate e-waste EPR schemes.</p>
<p>Schedule 1 — Regulated e-waste</p>	<p>The education and behavioural change campaign must ensure the list of regulated items and their collection pathways is clear and simple to both ensure only regulated e-waste is collected and existing collection pathways for other materials are not cross-contaminated. This should align with the nationally operating schemes (NCRS, Mobile Muster and B-cycle) and link community and producer responsibilities.</p> <p>WMRR has raised the definition/parameters or lack thereof for batteries as a material or product group with the federal government, B-cycle and the Battery Stewardship Council. Lead acid and various removeable lithium-ion batteries are covered under the Household Hazardous Waste program and B-cycle. However, embedded batteries are altogether different and continue to grow in market share. WMRR encourages WA to stagger batteries in</p>

	<p>the ban to align with the existing and hopeful expansion of B-cycle.</p> <p>The education campaign must pay particular attention to battery safety and if the regulations relate to only removeable batteries this must also be made abundantly clear to ensure that the community do not try to remove embedded batteries. Messaging must also be consistent with B-cycle to ensure that collection streams are not contaminated.</p>
--	---