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Waste and Resource Recovery Team  
Department of Environment, Land, Water and Planning  
PO Box 500  
Melbourne VIC 8002

25 January 2018

**Comment on the eWaste landfill ban**

The Waste Management Association of Australia (WMAA) welcomes the opportunity to provide comment on the eWaste landfill bans and its complementary actions. WMAA is the peak body for the waste and resource recovery industry, with members based in a broad range of business organisations, government, universities and community groups.

WMAA's members are involved in a range of important waste management and resource recovery activities within the Victorian economy, including infrastructure investment and operations, collection, manufacturing of valuable products from resource recovered materials, energy recovery and responsible management of residual materials, and community engagement and education. Comment has been provided by the WMAA Victoria Branch Committee and Victorian Landfill and Resource and Energy Recovery working groups, representing Victorian waste and recovery operators, suppliers and consultants.

WMAA supports the ban however we make the following observations before more targeted critiquing of the *Managing eWaste in Victoria - Policy Impact Assessment* (PIA) is provided in the Annexure.

International and national policy setting for waste management has seen a wholesale endorsement of the Waste Hierarchy – the most preferable options for managing waste being avoidance/reduction and reuse. Practically executed these two options, applied to eWaste, would see information and technology manufacturers for example using parts from earlier issued hardware in the manufacture of new computers and telephones. The substantive discussion in the PIA however relates to the recycling of waste – a lower order option. WMAA believes that the expansion and development of product stewardship schemes (such as National Television and Computer Recycling Scheme (NCRS), MobileMuster, Cartridges 4 Planet Ark, and battery recycling initiatives) needs to remain the focus of the Victorian government's approach to eWaste, with the ban complementing the eWaste that fall outside of such Schemes. This ensures that those producing information and computer technology, household technology and, the like - and profit from their sale - bear the cost of recovery.

Electronics marketing has delivered a message to consumers of the necessity of upgrades (thereby increasing unit sales) and this includes the unconscionable practice of engineering out older technology or, put differently, building in obsolescence. This irresponsibility directly contributes to the increase in eWaste. Responsibility for correction should be delegated to those who have generated this disposability through extended producer responsibility mandating. This has the additional benefit of alleviating volatility of the commodities market in marginal materials.

This Policy bundles the eWaste landfill ban, eWaste management regulation, an education and communication campaign, improved storage infrastructure at transfer stations and eWaste collection services but does not address the availability of funding for processing eWaste that has marginal recovered material value. Until the essential work of extending and consolidating gains of the Television and Computer Recycling Scheme and other product stewardship Schemes is completed, it is predicted that this Policy will be plagued from the outset<sup>1</sup>.

The initial contact for this correspondence is the National Office - Francine Pavkovic at [Francine@wmaa.asn.au](mailto:Francine@wmaa.asn.au) who will liaise with the President of the Victorian Branch Committee should DELWP want to continue the conversation or clarify any of the comments enclosed.

Yours sincerely



Gayle Sloan  
Chief Executive Officer  
Waste Management Association of Australia



Graeme Stewart  
President, Victorian Branch  
Waste Management Association of Australia

*WMAA is the peak body for the waste and resource recovery industry*

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<sup>1</sup> See analysis and conclusions on adopting extended producer responsibility approaches to address the tragedy of the commons – where individuals exploit group resources to collective detriment - in Hans Wiesmeth and Dennis Häckl, 'Integrated environmental policy: A review of economic analysis' (2017) 35 (4) *Waste Management & Research* 343.

## Annexure - Comment on the eWaste landfill ban

<p><b>STAGGERED RECOVERY OF PARTICULAR TYPES OF EWASTE</b></p>	<p>Lifecycle analysis of a washing machine, fridge and air conditioner<sup>2</sup> demonstrate that less energy will be used in remanufacture of these appliances but the wholesale repurposing of casing, etc for example is inhibited by the original design not lending itself to remanufacturing as well the stigma associated with remanufactured goods (compounded by fashionable obsolesce)<sup>3</sup>.</p> <p>Consumer behavioural change and marketing adaption are preconditions necessary to generate markets for large whitegoods repurposing. This campaign could to be funded by the state government, possibly from additional taxes on producers of virgin whitegoods. Funding from this additional tax could be made available to producers to increase the capability of their workforce, on the condition remanufacture occurs in Australia<sup>4</sup>.</p> <p>Returning white goods to the producer will also ease the pressure on the thin network of collection points proposed<sup>5</sup> - discussed later. Again, the success of remanufacturing of large white goods in Victoria is dependent on the state government mandating product redesign that facilitates higher order recovery<sup>6</sup>.</p> <p>We note electric vehicles were omitted from the first table in the PIA – <i>Examples of e-waste</i>. WMAA seeks clarity on whether electric cars are included in this Policy.</p> <p>Closing the loop will take time - WMAA recommends staggered phasing in of the ban dependent on eWaste type. Large appliances could be banned from landfill on 1 January 2019 with small appliances such as hand tools and hair dryers (with less developed stewardship programs) banned a year later provided Schemes are in place at that time. Toy and leisure electronics could be banned on a subsequent agreed date after extensive consultation with producers where agreement are made on how funding will be provided to ensure viable processing</p> <p>This integrated implementation of the Policy will ensure that the failings that occurred with the Television and Computer Scheme – material processing being disproportionate to successful achievement of collection targets, is not repeated.</p>
<p><b>SUPPORT FOR REPROCESSING</b></p>	<p>Staggered ban dates will also enable reprocessors/metal recyclers to prepare for significant increases in feedstock.</p> <p>In consideration of the considerable financial uncertainty and hardship e-waste reprocessors have experienced, and until such time as product stewardship Schemes have matured, we propose the State government financially support reprocessors. This, it is proposed, is in addition to existing incentives. The injection would: mitigate any detriment from market undulations in residual and marginal materials; upgrade infrastructure so it is fit for purpose for increased feedstock, and; reimburse reprocessors for the full time equivalent (FTE) hours necessary to administer the Policy (such as developing applications and compliance management systems).</p>

<sup>2</sup> Chloe Rosenthala, Yun Arifatul Fatimahb, Wahidul K. Biswasa, 'Application of 6R principles in sustainable supply chain design of Western Australian white goods' (2016) 40 *Procedia CIRP* 321 -2.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<p><b>STORAGE OF EWASTE GUIDANCE &amp; STOCKPILING</b></p>	<p>The general principles in the Australian Standard (<i>Collection, storage, transport and treatment of end-of-life electrical and electronic equipment</i>) and the statutory requirement to take ‘all reasonable steps’ are poor guidance on the storage of eWaste. They do little to inform an operator’s technical knowledge of eWaste environmental and human harm and how they are to be mitigated. WMAA seeks additional guidance incorporated into any Policy/legislative amendments. This too will provide operators with confidence that they will not be prosecuted, if they apply the requirements of the guidance material, once transition periods have ended.</p> <p>WMAA notes there is incongruity between the ban start date and infrastructure upgrade (enclosed areas with hardstands, sorting areas and storage bins) financing and delivery. As a result, many transfer stations will not be able to meet DELWP conformance expectations as outlined in the Standard. There are also questions about available processing capacity from additional feedstock generated from the ban both immediately and in the long term. Limitations on capacity will result in transfer station operators having to look for other markets, which may not be available. Such a situation would result in stockpiling which would be totally at odds with achieving the results sought in the Policy. Market development, it could be argued, is a state (and federal) government remit.</p>
<p><b>PERMANENT AND TEMPORARY DROP-OFF POINTS/ RECEIVAL POINTS</b></p>	<p>The proposed collection network supporting the ban comprises of one permanent drop-off point for every 250,000 people plus mobile collection events in metropolitan areas and one permanent drop-off point for every regional municipality/town of 4000 people plus mobile collection events for every town of 2000 people. This collection point infrastructure is too sparse. In ensuring low entropy of eWaste, the collection infrastructure needs to improve, thereby reducing illegal eWaste disposal as well as eWaste mixing with general waste.</p> <p>WMAA suggests additional collection points could include electronics goods retailers such as Bunnings, Apple Stores, Harvey Norman, The Good Guys, Aldi, JB HiFi for example. Convenience is a guarantee of low entropy. This proposal is also in line with a commitment to extended producer responsibility.</p> <p>The naming of ‘collection points’ too is problematic. The better labelling is ‘receival points’ – describing the process more accurately and better managing resident/consumer expectations as collection is ordinarily associated with material being placed out on the kerbside (and collected from the kerbside at great convenience to the resident).</p>
<p><b>INFRASTRUCTURE COMPLIANCE</b></p>	<p>See comments made under <i>Storage of eWaste Guidance &amp; Stockpiling</i> above. WMAA strongly recommends the Policy enforcement date is formally delayed until all infrastructure upgrades have been complete and there is assurance that funding for processing and available processing capacity exists.</p>
<p><b>CONSERVATIVE FINANCIAL MODELLING</b></p>	<p>The monetary infrastructure allocation for the ban is insufficient. Administrative FTE related to: updating waste management plans; ongoing implementation of eWaste management plans; amended kerbside collection procedures including the purchasing of new non-crushing waste vehicles; facility inspection, auditing and correction; updating local waste education material; responding to resident eWaste queries; contract renegotiation – conformance with the Standard, and; project scheduling for waste infrastructure upgrades, is not included in the modelling.</p> <p>WMAA recommends an infrastructure administration component is calculated on top of the physical infrastructure allocation.</p>

	<p>The physical infrastructure component in and of itself, too, is conservative. Without increasing the allocation, the shortfall will compromise already financially stretched Councils.</p>
<p><b>EDUCATION PLAN/MODELLING</b></p>	<p>Education and communication campaigns are the core to effective ban delivery. The monetary allocation for education too is insufficient. Education and community messaging needs to be reinvigorated at key points in an information transfer cycle to avoid staleness and consequent non-responsiveness/conformance. This would require significant funding injections every two to three years and messaging that continues decades after implementation to ensure the next generation and new residents are reached.</p> <p>While the Education Plan gives consideration to this staging in part, and the final Plan is dependent on the results of the Consultation Plan, the allocation is grossly insufficient.</p> <p>All said, WMAA is keen to participate in the Department’s messaging and offer our communication/consultation networks/frameworks as an adjunct to the Education and Consultation Plans. WMAA has a sophisticated network of working groups, with participation from regulators, operators and consultants across Victoria. This is in addition to scheduled metropolitan and regional seminars and conferences. We welcome the Department’s communication on how WMAA can assist with messaging.</p>
<p><b>COMPLIANCE RESPONSIBILITY APORTIONMENT</b></p>	<p>Command and control approaches in environmental regulation are a costly but necessary instrument in a suite of regulatory practices to ensure broad stakeholder compliance. Victorian waste regulatory history tends to allocate landfill operators with a disproportionate amount of compliance responsibility compared to other stakeholders in the waste management continuum. WMAA requests that the Department apportion operational and statutory responsibilities fairly in the management of the Policy.</p> <p>Further, while the Policy is in its infancy, WMAA seeks clarity on the percentage of eWaste contained in a load that triggers enforcement once transition periods have ended. WMAA members fear that truckloads of mixed waste will be quarantined for long periods because they contain low to high percentages of eWaste which cannot be separated. This results in disrupted operations impacting operator costs/finances.</p>



Julia Gaitar [REDACTED]

12/02/2018 09:03 AM

To "wastepolicy@delwp.vic.gov.au"  
<wastepolicy@delwp.vic.gov.au>

cc

bcc

Subject FW: Managing E-Waste in  
Victoria - Waste Management  
Policies (WMPs)

Dear Team,

I am writing this email on behalf of the Waste Management Association Australia's (WMAA) Landfill Victoria committee.

It is my understanding that WMAA Landfill Vic made submissions in relation to both the Landfills and E-waste WMP's, and that the submission period is now closed.

EPA attend WMAA Landfill Vic's most recent meeting, where it was expressed that WMAA Landfill Victoria desired to make further comments on the proposed WMP's.

These comments are detailed below in an email from Merrylees Legal, on behalf of WMAA Landfill Victoria

Please accept these further comments as part of the consultation on preferred policy package.

Should you have any questions in this regard, please do not hesitate to contact me.

Regards,

**Julia Gaitar**

Project Manager - Licensing  
Development Assessments

**Environment Protection Authority Victoria**

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[REDACTED]

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*A healthy environment that supports a liveable and prosperous Victoria, now and always.  
EPA acknowledges the Traditional Owners and custodians of the land and we pay our respects to their Elders,  
past, present and emerging. We're an inclusive workplace that embraces diversity in all its forms.*



[REDACTED]

[REDACTED] 12 February 2018 8:04 AM

[REDACTED]

[REDACTED]

**Subject:** Managing E-Waste in Victoria - Waste Management Policies (WMPs)

Dear Julia,

Having reviewed the proposed amendments to the current WMP - Landfills and the Draft WMP (E-Waste) 2018,

we have the following comments. Please note, these are just some obvious points we have noticed. These comments are not meant to be a full critique of all possible defects in these documents.

WMP - Landfills

1. The proposed definition of "E- waste" has at least 2 issues.

First it relies on an understanding of what constitutes “waste equipment” without providing a definition of “waste equipment”,

Secondly, it includes “equipment for the generation....” apparently whether not such equipment is “waste” equipment.

We expect that the draftsman will point to the definition of “waste” in section 4 of the EPA Act as an answer these issues. In our submission, to intermingle that definition with the definition of E-waste would be to introduce an unnecessary and regrettable level of complication resulting in a lack of clarity that will bedevil the interpretation of this policy to the detriment of all concerned with its interpretation.

## 2. Prohibition of “e-waste” to landfill; Clause 16(6)(i)

Putting to one side the obvious need to capitalise the “e” to coincide with the above definition, our main issue here concerns the twin issues of compliance and enforceability.

There is no possibility that a landfill operator will be able to prevent the inclusion of E-waste (as defined) from being included in waste deposited to landfill. Nobody with any knowledge of the practicalities of landfilling in this State could possibly suggest otherwise.

The creation of a law which cannot be complied with is fundamentally bad policy for a number of reasons including the fact that it can only bring the law into disrepute, an outcome we submit should be avoided at all cost.

What is EPA going to do with this amendment? Amend all landfill licences to prohibit E-waste, or ignore the Landfill policy? If landfill licences are amended to prohibit E-waste, will EPA officers be trawling through each tonne of household waste deposited to landfill and prosecuting operators for discarded batteries, torches, light globes etc? Or will officers be directed to turn a blind eye and ignore this new law? EPA must recognise that if this law is to be enforced, landfill operations will come to a standstill.

We think a better approach would be to ban e-waste from landfill other than as permitted under the e-waste WMP. But the e-waste WMP needs a lot of work before such an amendment could be implemented.

## Draft WMP (E-Waste) 2018

1. Again putting to one side the obvious need to capitalise the “e” to coincide with the corresponding definition in the WMP - Landfills, we note that the proposed definition in this draft WMP is different to the proposed corresponding definition in the WMP - Landfills. The difference is that the words “or materials or parts from such equipment” are added to the draft WMP definition. The difference is significant as it broadens the category of material captured by the definition to include useless residual material which clearly should go to landfill.

2. “residual waste” is defined as “means the products of reprocessing e-waste, which are intended for disposal”. To make this definition work, it will be necessary to exclude “residual waste” from the definition of “e-waste” in both the WMP - Landfills and in this draft WMP. But the next problem is to answer the question, who’s “intention” are we dealing with and how is that intention to be determined?

3. A more fundamental issue with this draft WMP is the total reliance on the Australian Standard. As practitioners, we object to having to rely on an Australian Standard in order to interpret the law. Australian Standards are not legislative documents. They do not necessarily use terminology consistently internally or with the terminology in the WMP, are amended from time to time, are protected by copyright, can only be reviewed at significant expense and are not subject to review by government. In our submission, the “Deemed compliance” provision, (Clause 8) constitutes a complete abdication of the legislative role of government and is consequently thoroughly objectionable if not unlawful.

4. Clause 6(3)(a) encompasses the central notion of imposing an obligation on a person to take “all reasonable steps to .....prevent e-waste disposal to landfill”. We consider that this formulation should underpin the entire e-waste strategy because quite frankly, in our submission nothing else can work. Hence the need to modify the currently intended prohibition in the WMP -Landfill as referred to above.

5. Whilst the term “residual waste” appears in the definitions and is used in clause 7(5)(e), it is impossible to determine without reference to the Australian Standard (which we have not referred to) how or in what circumstances material may become “residual waste” and therefore presumably be lawfully landfilled. We consider that this method of legal proscription to be unsatisfactory given the degree of difficulty involved in ascertaining what exactly the law actually is.

We hope you find these comments helpful.

Best Regards

Peter Merrylees

**merrylees**  
**LEGAL**

[REDACTED]

[REDACTED]

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