

## **E-Waste Landfill Ban - Submission to DELWP - January 2018**

This is an officer submission and not made by formal Council resolution. The content of this submission has been drawn from a number of existing strategies and plans which have been adopted by Council.

The City of Boroondara welcomes the opportunity to provide a submission in response to the Department of Environment, Land, Water and Planning (DELWP) 'Managing e-waste in Victoria' Policy Impact Assessment and associated draft policies. In addition this submission refers to the proposed support programs for the e-waste landfill ban, which are being delivered through Sustainability Victoria (SV). Councils are the key interface between end-users of recoverable items (residents) and reprocessors, so the opportunity to provide input into the proposed policy package is both essential and acknowledged.

### **Introduction**

The City of Boroondara forms part of the inner eastern region of metropolitan Melbourne and shares its borders with the Cities of Banyule, Manningham, Monash, Stonnington, Whitehorse and Yarra.

At June 2016 Boroondara had an estimated resident population of 177,361 people. Boroondara's population grew by an average of 1.2% per annum between 2012 and 2016 and is forecast to continue growing at around 0.8% per annum. Boroondara is an attractive and highly sought after residential environment with a mix of housing types located in an urban setting that displays extremely high levels of amenity value. The City stands out regionally from other municipalities as a centre of education, learning and health, with an abundance of primary, secondary and tertiary learning institutions and many private and public health care facilities.

The Boroondara community is diverse. Approximately 28.3% of Boroondara residents were born overseas and 23.5% speak a language other than English at home. Overall, Boroondara is a slightly older community than greater Melbourne, but in some areas 18 to 25 year olds (attracted by the tertiary institutions) account for almost one in five residents.

The City of Boroondara operates a comprehensive Recycling and Waste Disposal Facility at the Riversdale Road depot in Camberwell. The facility incorporates resource recovery opportunities for a wide range of items, including paint, oil, fluorescent lights, excess domestic recycling, and clothing, as well as a range of e-waste including:

- TVs, computers and periphery, accepted under the National Television and Computer Recycling Scheme (NCRS)
- Household batteries
- Car batteries
- Mobile phones

In addition e-waste which is recoverable through the facility is diverted from our hard waste collections for recycling. In 2016/17, the City of Boroondara recovered just over 175 tonnes of e-waste via the hard waste collections and drop-off facility at Riversdale Road. Clearly the City of

Boroondara is already committed to diverting recoverable products from landfill as far as is reasonable.

### **Analysis of the Proposed Policy Package**

The proposed policy package addresses a number of different elements and these are considered in turn.

#### **1. Regulatory Measures**

The regulatory measures comprise

- a. an amendment to the Waste Management Policy (Siting, Design and Management of Landfills) No. S264 to include e-waste as a material banned from landfill;
- b. a new waste management policy that specifies how e-waste should be managed. This will refer to the Australian and New Zealand standard Collection, storage, transport and treatment of end-of-life electrical and electronic equipment (AS/NZS 5377: 2013).

With regard to the Waste Management Policy (Siting, Design and Management of Landfills) No. S264, the City of Boroondara does not operate landfill sites at present, and has therefore not provided a comprehensive analysis of the proposed changes. However, in reviewing the proposed changes, the following points are offered by City of Boroondara for consideration:

- point 7 of the Policy Principles states: '(7) Product Stewardship: Producers and users of goods and services have a shared responsibility with Government to manage the environmental impacts throughout the life cycle of the goods and services, including the ultimate disposal of any wastes.' As has been previously made clear in submissions on the NTCRS, Product Stewardship should be an integral part of the suite of e-waste recovery options for a number of reasons. The companies that manufacture and sell these goods are profiting from the manufacture and sale of electronic and electrical items which in turn replace older items. The older items, and eventually the replacement purchase items, become e-waste at the end of their *useful life for the consumer* (note this is different to 'end-of-life' - many could still be used or repaired). The e-waste that is generated is then passed to local councils for disposal at a cost which currently consists of a landfill gate fee. Once the e-waste to landfill ban comes into effect, the costs of directing of e-waste to a recovery facility are likely to be around 4-5 more than the current cost per tonne of landfill. Hence, the cost burden to councils will be increased by approximately 4-5 times, and conversely the burden on producers does not look to be increasing whatsoever. Industry has a responsibility under the Producer Responsibility Act 2011 (under review), and under the provision in the Waste Management Policy (Siting, Design and Management of Landfills) No. S264, but there appears to have been little appetite to progress opportunities to support local government in disposal of e-waste by ensuring that manufacturers and retailers of electric and electronic products offer collection points for items that consumers no longer require. Indeed, in exploring this issue over the last 5 years, the officer preparing this analysis notes that it has been difficult to engage large retail stores to offer collection facilities, citing a reluctance to sacrifice a car parking space or two at their retail establishments amongst other concerns. The producer responsibility aspects of the e-waste ban need further robustness and accountability which are not yet demonstrated in this draft policy. This would assist in the decreasing the cost burden to ratepayers/councils, as well as

ensuring more equitable access to disposal facilities for the community, particularly within municipalities that do not operate transfer stations or resource recovery centres.

- Point 8 of the Policy Principles states: 'Wastes Hierarchy Wastes should be managed in accordance with the following order of preference: (a) avoidance; (b) re-use; Waste Management Policy (Siting, Design and Management of Landfills) September 2017 6 (c) recycling; (d) recovery of energy; (e) treatment; (f) containment; (g) disposal.' However this does not appear to be acknowledged within the general principles of the complementary new waste management policy specifying how e-waste should be managed. The new WMP is concentrated on the management of end-of-life e-waste without addressing the broader issues of reuse, repair or avoidance. In order to align with the waste hierarchy the broader issues should also be addressed in the policy and supporting communications work being carried out by SV.

With regard to the draft WMP E-Waste 2018, the following feedback is offered:

- Councils appear to have no obligation to collect e-waste, therefore there is likely to be an uneven distribution of costs and burden placed on councils who already collect e-waste under the NTCRS (or who voluntarily collect other types of e-waste already), and those that elect to collect all e-waste under the new regulations. Residents from municipalities that do not have transfer stations, resource recovery centres or other collection points, are likely to dispose of e-waste via other municipalities that do, with the cost being borne by the councils receiving the e-waste, which may therefore be passed on to the ratepayers of those municipalities. In order to not bear the burden of subsidising municipalities without collection points, those with collection facilities may need to consider charging residents from outside of their own council area, therefore the model proposed does not appear to offer equitable access to disposal services for all members of the community.
- A heavier focus on producer responsibility would assist in ensuring a more even distribution of collection points and ease the burden on local government, as discussed above. It would also assist with education messages being reinforced to consumers at point of sale about what e-waste is and how it must be disposed of.
- In addition, the current rate-capping environment means that some councils - those with no separate waste charge but a transfer station or other cost liability under the ban, may not be able to pass costs on to ratepayers, which will inevitably be detrimental to councils being able to carry out other planned work. Due to the short timeframe of this policy being finalised and introduced, no allowance has been made for the local government budgeting process for 18/19. At most councils this is already well underway and in draft form at least. Therefore with the policy still not being finalised, this has affected the ability of officers to submit robust business cases to bid for funding to install infrastructure or consider fees and charges that may need to be applied from July 2018 onwards. Despite repeated comment from local government officers to DELWP and SV regarding the budgeting timelines for local government, no consideration has been given to this and the short timeframe between the yet-to be finalised policy and implementation will be detrimental to operating budgets, and the ability of councils to plan and implement the new infrastructure, communications, education and personnel required to effectively provide residents with disposal options under the provisions of the ban.

- The policy does not address how the ban might be monitored, where the liabilities lie in terms of enforcement, how enforcement might be possible (it would be almost impossible to trace where e-waste had entered the domestic waste stream via kerbside collections), and where the liability of councils begins and ends.
- Given the lack of enforceability of the ban at source (households) it is difficult to see how the ban may effect behaviour change as there are no consequences to householders for not adhering to the ban. However, as collectors of ewaste, councils appear to be potentially liable for the inappropriate behaviour of householders despite any best efforts they might make to provide education and recovery collection facilities. Therefore it is difficult to see how the policy might be effective in causing significant change at the householder level.

## 2. Non-Regulatory Measures

The non-regulatory measures comprise:

- a. E-Waste Infrastructure Support Program
- b. E-Waste Education and Awareness Campaign

These are discussed in turn below.

The E-Waste Infrastructure Support Program consists of \$15million to asses and upgrade collection points. This would appear to be for the whole of Victoria. The work under this part of the initiative has commenced very close to the implementation date of the ban, therefore there is as yet no certainty around what, if any, funding support may be available for council to upgrade infrastructure. In addition, the budget bid process is complete for the 18/19 financial year and no bid has been able to be submitted as the final details of the ban, associated policies, and funding are not yet known. Given the number of infrastructure upgrades that are likely to be needed across the State, it is unlikely that the \$15million funding will be anywhere near sufficient.

The E-Waste Education and Awareness Campaign consists of \$1.5million over 3 years, for the whole of Victoria. Although at a more complete stage than the infrastructure support program, it could again be argued that the funding allocation will be inadequate to provide anywhere near the level of support required by council to educate about the ban and options to dispose of e-waste after the ban comes into effect. In addition, progressing the education program prior to the infrastructure support program being completed or at least at an advanced stage is far from ideal: councils cannot promote options for recovery of e-waste if the infrastructure to recover e-waste has not been installed at the time of the ban coming into effect. This could lead to confusing messages for the community, whose buy-in is key in making the ban successful in achieving a reduction in the amount of e-waste to landfill.

### Concluding Observations

The banning of e-waste to landfill can be successfully implemented, as the European Union example showed in 1999. However, the concerns raised in this submission regarding inadequate funding, lack of understanding of the parameters local government works within, and the extremely short implementation timeframe, indicate that this framework may be problematic for local government to be able to provide the best support for the ban.

In addition the cost-shifting to local government for reprocessing costs will continue year on year, and will likely increase. The education and promotion costs will also be ongoing, and it is not yet clear how the ban can be monitored and enforced at household level, leaving further ongoing issues for local government to navigate and manage.

Overall the final phase of the consultation period has been too short, not allowing time for a complete program to be developed or time for councils to plan and budget for infrastructure and communications activities, and the rollout of infrastructure will not be complete before the

ban comes into effect due to the support package work being undertaken at a very late stage. The communications support program appears to have been given a heavier focus than the infrastructure rollout, which is counter-intuitive, and there appears to be little if any responsibility on producers and retailers to contribute to implementing the ban. Local Government has been left with the cost burden, and the community is poorly educated about e-waste and the upcoming ban. The regulatory measures lack 'teeth' as tools to enforce and monitor the activities of households under the ban. As a package, the overall picture is one of a manifestly inadequately funded and planned venture, with little regard having been given to the points that have been raised repeatedly by local government officers at the consultation events (and raised again in this submission).

The City of Boroondara requests that

- Access to funds from the Sustainability Fund is made available to council to manage the cost burden associated with the ban, particularly in years 1 and 2, but also afterward;
- the state government increases the robustness of the producer responsibility aspects of the policy, and engages with industry to bring about improvements to this aspect of the policy in order to assist local government in implementing the ban successfully without being apportioned the entire cost burden, before the ban is implemented;
- the implementation date is moved back to allow for effective budgeting and planning processes to take place once the final policy package is in place;
- the implementation date is moved back to allow for infrastructure upgrades to take place, and a carefully planned and resourced communications plan to be developed and implemented for the ban, which is in addition to the planned and funded work of council over the next 6 months building up to the ban;
- funding is increased for the infrastructure upgrades to allow for a more equitable and accessible network of collection sites to be established and operated;
- funding is increased for the communications and engagement activities;
- the policy package is revised to account for options further up the waste hierarchy than disposal, to allow delivery of a more comprehensive and better value system for ratepayers, where waste avoidance is brought back into focus.

The Sustainability Fund would be a logical source of funding for these activities, as it aligns with the original purpose of the landfill levy.

As ever the City of Boroondara remains committed to reducing waste to landfill and will fulfil required obligations of the ban, however due to the points discussed in this submission, it will take some time to be able to provide the community with an effective suite of facilities and tools, giving a challenging framework and timeline to be able to assist the community and support the Victorian Government in this initiative.