



Mr David Fredericks
Secretary
Department of Climate Change, Energy, the Environment and Water
GPO Box 787
CANBERRA ACT 2601

14 February 2023

Attention: Ms Kate Lynch

Email: ReMadeinAustralia@dcceew.gov.au

Dear Mr Frederickson

Re: Designing ReMade in Australia

Thank you for the opportunity to provide feedback on the Designing ReMade in Australia discussion paper. WMRR is the national peak body for all stakeholders in the essential waste and resource recovery (WARR) industry. We have more than 2,000 members across the nation, representing the breadth and depth of the sector within business organisations, the three (3) tiers of government, universities, and NGOs. Our members are involved in a range of important WARR activities within the Australian economy, including infrastructure investment and operations, collection, manufacturing of valuable products from resource recovery, as well as responsible management of residual waste including landfilling and energy from waste.

Recycling only occurs when material has moved successfully through the entire supply chain and back into the productive economy. That is, the material has been collected, sorted, processed, incorporated into a new product/ material and brought back into the productive economy, by being placed on and sold at market. WMRR acknowledges that the ReMade in Australia brand is one of many the projects that the department is currently undertaking in an attempt to increase market demand for secondary raw material however, whilst it is possibly a 'nice to have' initiative, given the fact that it is possibly only applicable in reality to consumer facing goods, WMRR would argue that there are far more important initiatives that should be gaining government attention to ensure that Australia moves towards achieving both 80% recovery and 43% reduction in emissions targets by 2030.

Australia has significant challenging material streams that require urgent attention. In particular within the commercial and industry (C+I) and construction and demolition (C+D) streams that by their very nature (aggregates and highly mixed material streams) makes a labelling scheme impractical, as well as doing little to assist in driving additional demand for these materials. What is required however is greater emphasis on specifications that incorporate secondary raw materials and government green procurement at scale to drive their uptake. At this time, we require national infrastructure planning and genuine product stewardship schemes, given we are seeing increasing volumes to landfill and a stagnated rate of recovery, and are currently 14 million tonnes short of demand for these valuable secondary raw materials. Action by government must be on growing demand across all material streams for secondary raw materials as opposed to creating schemes that result in additional costs and barriers.

Whilst WMRR's substantive submission is attached at Annexure A, we note that at present the scheme fails to recognise that the WARR sector is already one that is highly regulated and administered by respective state

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governments. The secondary raw materials produced that the scheme targets, are generally always receipted and managed by facilities licensed under state EPAs, and the products/ materials produced are regulated by resource recovery frameworks in the respective jurisdictions. As such there is significant documented chain of custody information available, that should be built on rather than duplicated to ensure no additional burden is placed on operators that are already finding it challenging to compete with virgin materials in the marketplace.

The scheme design would benefit greatly (if proceeding) with a comprehensive analysis of the current pathways for secondary raw material streams (regulatory) and specifications and approval pathways that exist, to determine whether this scheme can be built upon, or add value to what are already mandatory pathways that industry is required to comply with.

WMRR also believes that one of the greatest benefits that can be achieved by focusing on secondary raw materials, is for government to focus on developing a national campaign on the reasons and benefits of how we manage and consume materials and why when we cannot avoid creating waste, we should be preferencing secondary raw materials as opposed to virgin. Such a campaign would assist the public to understand why this change in behaviour is required (reducing reliance on virgin material, creating Australian jobs, reducing energy consumption and decreasing carbon emissions), to date we have failed to link these issues for the public. We strongly believe this national conversation is required as opposed to a label.

Please do not hesitate to contact the undersigned if you would like to discuss WMRR's feedback further.

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

Annexure A

<p>Proposed rule #1: The brand will be a voluntary label.</p>	<p>WMRR supports the label only being part of a voluntary scheme in the event that it is progressed, given there are concerns about the scheme. However we note that depending on the level of administration/ cost required this may be a barrier for use to some and there must not be a negative inference able to be drawn against those who elect not to use the label.</p>
<p>2.2 Scope of the brand's application</p>	<p>WMRR strongly supports and has been advocating for more Australian products made from Australian recycled material. Consumers should be able to easily identify Australian recycled claims and producers should be able to easily incorporate the branding when they wish to utilise it across as many products as possible. However, we query the ability to effectively apply such a label across the suite of products raised in the paper.</p> <p>The label may have application in consumer facing products, however the scheme as currently proposed appears to fail to recognise the challenges with our largest recovery sector being construction and demolition (C+D), where the vast majority of recycled material is recovered and incorporated as soils and aggregates, how would a labelling scheme operate in this stream?</p> <p>Given the intent of the label is to change consumer behaviour towards products made from recycled materials the department must recognise that construction materials are generally bought as part of a business-to-business relationships. Business-to-business and commercial products already have several independent Australian and international certification options, that demonstrate compliance/ verify recycled content claims and are currently utilized in contracts and in orders, the scheme should not duplicate these.</p>
<p>Proposed rule #2: The brand will be available to consumer goods, consumer packaging, and construction materials and projects.</p>	<p>Unfortunately, the paper oversimplifies the barriers for uptake of recycled content, in particular in relation to construction materials, which it is noted at present has the highest recovery rate nationally with 78% stated in the National Waste Data Report 2022. Assuming it was possible to affix a label to these output materials, this would not address the major challenges of specifications not including secondary raw materials or the challenge of addressing concerns about classification of materials and presence of problematic substances such as asbestos and PFAS.</p>
<p>Box 1: Questions</p>	<p>Clearly these questions have been drafted with consumer packaging and the existing Australian Recycling Label (ARL) in mind. This demonstrates a lack of understanding of the complex material streams that exist or pathways, given secondary raw material is being produced across the entire economy, not simply for consumer and packaging goods.</p>

	Discussion about the actual label design and guidance is premature in the absence of a robust scheme design that reflects the entire WARR system as opposed to simply creating additional barriers (cost and time) on those that are currently producing such materials in a highly regulated and cost intensive environment.
Proposed rule #3: The licensing body may refuse to grant licences to products that are not aligned to the brand's objectives.	In the event that the ability to decline registering is progressed it will be necessary for clarity on the instances when this may occur to be clearly communicated and understood by all potential applicants ahead of time.
Proposed rule #4: ReMade products will include recycled content as defined by ISO 14021:2016	Whilst WMRR has concerns about the incorporation of pre consumer scrap material within the scheme, we also recognise that the adoption of the ISO 14021:2016 definition is a consistent and certain approach for business and government, and aligns with international standards.
2.3 Making recycled content claims	WMRR also notes that the WARR sector is a highly regulated and licensed system that requires significant record keeping. Any process/ proof of claim for material as secondary raw material should build on these existing regulatory requirements and records, and should not add an additional administrative burden on a sector that is having to compete with virgin materials that by their very nature are often cheaper and simpler to incorporate into production. For example, purchase and sales receipts can distinguish and support claims based on the facility purchased from and their respective license to only receipt such materials.
Proposed rule #5: ReMade products must contain a minimum percentage of recycled content.	Such an approach will be potentially misleading and problematic, as there may be specifications that only enable a certain amount of recyclate within the product. This does not in itself make it an inferior product or demonstrate less of a commitment to using secondary raw material. Such an approach in the absence of understanding why this may be the case will be confusing and may lead to unintended consequence of the product not being preferred by consumers.
Box 4: Questions	The real-world challenges of specifications for recycled input need to be brought within the scheme considerations in order that this initiative does not create concerns that more recycled content could have been used in a product when in actual fact it was not possible. For example claims on 10% recycled content could lead consumers to devalue the product because 10% is not a large number without knowing that that is the highest feasible ratio. The department should avoid a label that has a percentage as the first important visual. The department and consumer will not know the feasible ratio of recycled content of a product and through innovation this may also change over time.
Proposed rule #6: The last substantial transformation of a	In principle agree with this, as the goal must be to incentivise and prioritise products made in Australia from secondary raw materials collected and produced in Australia. Particularly given recent market

ReMade in Australia product must occur in Australia	interventions by government on exporting waste materials for manufacturing offshore.
2.4 Promoting Australia’s circular economy	<p>WMRR absolutely supports the need to transform to a Circular Economy in Australia, however we recognise that until there is an emphasis on design and producer responsibility our sector will continue to do the heavy lifting in driving circularity in Australia. To move towards a true circular economy, there must be a real shift in focus from the end-of-pipe (i.e., what can we “make” from this “waste”) to material design and generator accountability.</p> <p>The issue and opportunity here is not greater synergies and administrative efficiencies, with the Remade in Australia campaign but rather a change in behaviour as a result of recognising that the consequence of Australia not utilising recycle are substantial- carbon emissions, additional energy, less jobs, and lower manufacturing capabilities in Australia.</p>
Proposed rule #7: At least 50% of the total amount of recycled content used in ReMade products (by weight) must be Australian recycled content.	This is not supported, the label if it proceeds must be able to prioritise the purchase of Australian secondary raw materials, not imported materials that often remain far more cost competitive due to lower energy and labour costs, plus active support in other jurisdictions to assist with making secondary raw materials more cost competitive such as mandated recycled content and virgin taxation regimes.
Box 5: Questions	<p>WMRR does not support the ability to utilise imported materials and still be able to access the label. Australia has seen significant intervention in the market in recent years that has led to export restrictions without commensurate import restrictions, as such government should act to try and create greater opportunities for Australian materials on shore.</p> <p>Again, the scheme lacks understanding of the ability to incorporate recycle in products, by way of proposing that it is as simple as requiring the amount to be increased over time when there are specifications that do not enable this to occur.</p> <p>The scheme design would benefit greatly from understanding the complex system within which the WARR system operates in Australia.</p>
Proposed rule #8: ReMade branded products will be recyclable	If we are genuine about creating a circular economy in Australia it is more than claiming recyclability, rather WMRR strongly advocates for the brand requiring products to be re-useable, recyclable or recoverable, we must focus on keeping goods and materials at highest and best value for as long as possible and not just on end-of- life.
2.5 End of use outcomes	End of life considerations must be taken into account in product design and the brand must ensure that recyclability claims meet the existing Green Claims process, which is it can clearly demonstrate how the product enters the respective stream to be recovered and is delivered to a facility that will actually recover the material.

	<p>WMRR agrees that the test for recyclability must be actually recycled in Australia and not technically recyclable.</p>
<p>Box 6: Questions</p>	<p>Arguably recyclability is the best way to ensure at present the products support circularity, however there are far higher objectives such as re-use, share and repair that also need to be considered during a products lifetime to keep the product circulating for as long as possible before it reaches end of life.</p> <p>The department should not be considering different aspects in different streams as this will create significant bureaucracy (cost and administration). Rather existing schemes should be looked to, such as the ACCC Green Claims where producers of products must take responsibility for demonstrating their green claim.</p> <p>Exemptions may need to be considered for products that provide significant health and safety benefit but whilst using some Australian recycled content, may also include materials that cannot or should not be readily recovered, for example within the medical arena.</p> <p>Incorporation and consideration of the waste management hierarchy should be a given, however establishing an overzealous process that adds time and cost should be avoided at all costs. The scheme should be focusing on the uptake of secondary raw material, creating a circular economy requires far greater effort and understanding than creating a labelling scheme and requires significant investment and regulation in design, product stewardship, supporting and developing re-use, repair and share economies, etc.</p>
<p>Proposed rule #9: ReMade products and projects are developed in line with applicable safety and information standards, including for chemicals use</p>	<p>Agreed, however it is noted that the ICHEMS framework in Australia is many years behind Europe and the United States schemes when it comes to classifying, labelling and managing chemicals such as PFAS and other POPs.</p>
<p>2.6 Product safety, standards and regulation</p> <p>Box 7: Questions</p>	<p>Concerns about chemicals and other hazardous material in recycled content need to be addressed by government at the design stage of new products in order that consumers are informed about what they are purchasing, as well as ensuring that these materials do not incorrectly entering the resource recovery system.</p> <p>Again, WMRR stresses that the scheme should not duplicate or add burden to rules that already exist and needs to be complied with by parties across the supply chain.</p> <p>Please note that many products currently made from recycled materials meet existing standards and requirements for products made from virgin materials. Recycled material is another form of source material that can</p>

	<p>meet the quality assurances, and quality controls ensuring the required level of performance and safety as a virgin material product.</p> <p>WMRR cautions against the scheme developing standards, guidelines and specifications given it is in all likelihood a duplication of existing work by qualified industry/ accreditation bodies, it is not DEECCW's core business, and is a diversion of resources away from significant issues that could be better prioritise towards meeting the national 2030 targets.</p>
<p>Proposed rule #10: ReMade brand users will maintain records to prove their product complies with the brand's eligibility rules and provide those records to the licensing body as required.</p>	<p>WMRR supports documenting the movement of recycled material within the supply chain in order to verify claims. However, we submit again, there are significant regulatory requirements in existence that provide ample records to demonstrate material provenance and pathways, and any scheme should build on this, not place further obligations or duplication on those that are undertaking this essential work.</p>
<p>2.7 Verifying recycled content claims</p> <p>Box 8: Questions</p>	<p>WMRR submits that blockchain and other suggested tracking methods are not required, given the cost and practicality of such schemes to the materials that are being managed (how does one blockchain aggregates?). The ACCC has a clear role to play in testing claims and should be required to do so, not another bureaucracy/ layer of administration created via the scheme.</p> <p>As mentioned above, the brand needs to align with existing EPA requirements and paperwork in a number of states. In this vein the department should also research and ensure alignment with internationally recognised certifications systems to reduce duplicating costs and effort for both the brand applicant and the government.</p> <p>There is no need for separate site visits, auditing processes, etc if the department recognises requirements industry are already abiding by and if not quite sufficient builds on these.</p> <p>Also please note that there are many contracts already in existence that include quality requirements to be met regarding recycled content and product development.</p> <p>In reality, additional reporting requirements are an added burden and cost that will be passed onto the end consumer, again impacting cost competitiveness for secondary raw material against virgin.</p>