



Ms Rachel Burgess
Assistant Secretary
Waste Regulation and Stewardship Branch
Department of Agriculture, Water and the Environment
GPO Box 787
CANBERRA ACT 2601

Email: rachel.burgess@awe.gov.au
legislative.design@awe.gov.au

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Dear Ms Burgess

Re: Exposure Draft Recycling and Waste Reduction (Export – Waste Plastic) Rules 2021

The Waste Management and Resource Recovery Association of Australia (WMRR) appreciates the opportunity to provide further feedback on the Department of Agriculture, Water and the Environment's *Exposure Draft Recycling and Waste Reduction (Export – Waste Plastic) Rules 2021*.

WMRR is the national peak body for all stakeholders in Australia's \$15 billion waste and resource recovery (WARR) industry. We have more than 2,000 members across the nation that represent a broad range of business organisations, the three (3) tiers of government, universities, and NGOs.

Australia has a strong and professional WARR industry, one that is a driver of jobs and business, employing approximately 50,000 full-time employees while growing investment in the economy. WMRR's members are involved in a range of important WARR activities, including community engagement and education, infrastructure investment and operations, collection, manufacturing of valuable products from resource recovered materials, energy recovery, and responsible management of residual materials including energy from waste and landfilling.

WMRR acknowledges the Department's efforts in consulting and collaborating with the industry as it works to roll out the COAG waste export ban and looks forward continued engagement with the government.

WMRR's submission can be found below; please do not hesitate to get in touch with the undersigned if you would like to further discuss our feedback.

Yours sincerely

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

Question	WMRR's response
<p>Are the definitions of waste plastic and processed engineered fuel (section 5 of the draft rules) sufficient to ensure that exporters of all types of waste plastic and processed engineered fuel will be required to get a waste plastic licence before exporting?</p>	<p>WMRR again queries what 'domestic use' in section 5(4)(a) entails and if this captures material exported for the purposes of producing domestic household packaging.</p> <p>While we acknowledge that as part of the licensing assessment process, the Minister will take into account the risk to human and environmental health, as well as whether the applicant (and application) meets the overall policy intent, WMRR remains concerned about the ease of applying and obtaining a licence.</p> <p>Significant funding from state and federal governments as well as the industry is being channelled towards on-shore plastic processing in large part to prepare for the ban; as such, WMRR urges careful consideration be given to exclusions in order to support one of the export ban's goals, that is on-shore remanufacturing, and to protect domestic industry and investment. It might be worth doing a gap analysis of the current and project on-shore plastic processing infrastructure and market demand in order to strike a balance between providing necessary exemptions and growing domestic industry.</p> <p>WMRR is also seeking confirmation that the following may be licenced for export if exporters are able to meet all the licence requirements:</p> <ul style="list-style-type: none"> • Sorted (and from 2022, processed) HDPE milk cartons that may contain a small percentage of biological contaminants as these typically would not be accepted for import into Australia and importantly, may not meet requirements under the Basel Convention. • Composite plastic packaging that do not have a home in Australia but may be in demand overseas even if these

	<p>materials may be deemed as contaminated given their complex nature (e.g., a bottle that is majority PET but has a polyethylene lid and polypropylene label).</p>
<p>Will the matters that must be considered by a decision-maker before granting a waste plastic export licence (sections 8, 9 & 10 of the draft rules) reduce the risk of potential impacts to human and environmental health in receiving countries? Is there anything significant that has not included?</p>	<p>-</p>
<p>Are the application requirements (section 7) and the matters that must be considered by a decision-maker before granting a waste plastic export licence (sections 8, 9 & 10 of the draft rules) practical?</p>	<p>As there are new requirements under the Basel Convention that came into force on 1 January 2021 related to contaminated plastics, WMRR is seeking clarity and confirmation of how these obligations will work in tandem with Australia's waste export ban licensing. Further, WMRR queries how the waste export ban licenses will be synergised with the various jurisdictional licensing agreements/arrangements.</p> <p>Clarity is also sought on:</p> <ul style="list-style-type: none"> • Whether applications, particularly those of smaller companies may be grandfathered under a larger organisation's export licence if all requirements to acquire this licence are met, and if there would be other terms that need to be made and followed to allow for this to occur. • The type and level of detail required by the Department as some requirements will be very onerous and as a result, may be a significant cost impost. For example, photographing every bale and what these photographs must capture (e.g., timestamp). Would the evidence required by, and provided to, importing countries and customers be sufficient to meet the Department's requirements? • What equipment details are required, noting that assessing equipment may be

	<p>an onerous task for exporters and that equipment and machinery configuration, and commercial arrangements may change frequently during the licence period.</p>
<p>Are the licence conditions (sections 11, 12 & 13 of the draft rules practical? Are any of the conditions too onerous or impractical?</p>	<p>WMRR notes that additional conditions may be required as per 35(1)(c) and seeks clarity of whether sufficient notice (and how much notice) will be given before additional conditions are applied as well as whether there will be a right to appeal these additional conditions.</p>
<p>Noting that different specifications may be required for different types of waste plastic, is the process for nominating a specification for a plastic waste export practical (sections 8, 9 & 10 of the draft rules)?</p>	<p>Trade samples exported for market testing will need to be processed in accordance with the waste plastic specification and WMRR notes that the Department believes if there is a lucrative market, exporters will see value in applying for a licence. While this may be a worthwhile exercise now, when there are no licensing fees, this may not be the case once the fees are applied from 2023, increasing the risk and cost of any potential investment, which could stifle innovation.</p>
<p>Do you have other feedback or comments on the draft rules not covered in the questions above?</p>	<p>WMRR is also seeking guidance and clarity on:</p> <ul style="list-style-type: none"> • How the Department will ensure that it can process all licence applications and provide exemptions ahead of the 1 July 2021 ban start date as the rules will only be registered in May 2021. Exporters will require assurance to mitigate any financial risk that the Department can handle the potential influx of applications over this short time period. • Whether the Department can set up a test portal and/or provide training to assist exporters with understanding how to apply for licences well ahead of 1 July 2021. • Whether exporters can provide non-specification-related details such as the fit and proper person test before the rules commence.