

National Waste Policy Strategy Cluster 1

Product Stewardship Working Group

Terms of Reference¹

Background

On 5 November 2009, the Environment Protection and Heritage Council (EPHC) endorsed the *National Waste Policy: Less waste, more resources* (the NWP).

At the 5 July 2010 meeting of the EPHC, the NWP Implementation Plan was endorsed. The Implementation Plan contains a number of high level priorities and timeframes that have been agreed by EPHC. It also sets out priority initiatives and milestones for each of the 16 strategies for the first five years. These strategies are grouped into seven clusters and a working group is to be established to implement the work program for each strategy cluster.

A key outcome of the NWP is that there is shared responsibility for reducing the environmental, health and safety footprint of manufactured goods and materials across the manufacture-supply consumption chain and at end of life. The NWP Implementation Plan includes a suite of initiatives and milestones aimed at supporting business and consumers to appropriately manage end of life products, materials and packaging. The Product Stewardship Working Group, chaired by the Australian Government with state and territory government representation, is dedicated to the implementation of strategies one and three of the NWP (see [Attachment A](#)).

Work on these initiatives is already underway and a number of groups have been established that variously involve the three tiers of government, business, industry, NGOs and the community. These groups will continue to operate until they have delivered on their objectives. They are:

- Product Stewardship Framework Legislation Stakeholder Reference Group
- National Television and Computer Product Stewardship Scheme Implementation Working Group
- National Television and Computer Product Stewardship Scheme Stakeholder Reference Group
- Tyres Implementation Working Group
- FluoroCycle Administrative Committee² and Stakeholder Advisory Group
- Senior Officials Oversighting Group for the packaging waste and litter consultation regulatory impact statement
- Australian Packaging Covenant Council³.

New initiatives that are developed or suggested by existing working groups may be taken on by the Product Stewardship Working Group, where this is appropriate. In this way, the work program of some existing working groups may transition to the Product Stewardship Working Group over time.

¹ ToR approved by EPH Standing Committee on 6 December 2010.

² The Fluorocycle Administrative Committee and the Australian Packaging Covenant Council are existing bodies with independent governance and reporting requirements separate to those of the Product Stewardship Working Group and agreed by EPHC that guide their operations.

³ Ibid.

The Implementation Plan acknowledges that in addition to these priority initiatives, individual jurisdictions will continue to manage waste in line with their strategic objectives and constitutional responsibilities. This may include developing and funding their jurisdictional initiatives in addition to initiatives within the work plan of the Product Stewardship Working Group.

Role of the Product Stewardship Working Group

The role of the Product Stewardship Working Group is to facilitate implementation of the 'Taking Responsibility' key direction in the National Waste Policy (NWP) by providing a collaborative forum which:

- Provides advice to the EPH Standing Committee (EPHSC) and Ministers on strategic and emerging product stewardship issues and priorities and, as directed, develops appropriate strategies and evaluation frameworks
- Shares knowledge, discusses potential opportunities for improved product stewardship practices and outcomes in the short and long term and develops and implements new initiatives under the auspices of the NWP
- Supports the Australian Government to establish a national framework underpinned by legislation to support voluntary, co-regulatory and regulatory product stewardship to provide for the impacts of a product being responsibly managed during and at end of life
- Supports all governments to bring about better management of products (and materials) throughout their life cycle to improve the use of resources, reduce the environmental impact of product design, reduce the amount of waste for disposal and reduce litter
- Liaises with the chairs of relevant product stewardship bodies to regularly report progress against NWP Implementation Plan milestones, and identify, discuss and report on cross-cutting emerging issues to the EPHSC and Ministers⁴ (see reporting section below)
- Submits requests for cross-jurisdictional projects under the agreed work plan for the Product Stewardship Working Group to the EPHSC for approval prior to proceeding
- Establishes and co-ordinates subgroups to oversee new product stewardship schemes, as required.

Work Plan

A Work Plan will be required for new NWP product stewardship initiatives.

The Work Plan, using the Implementation Working Group (IWG) template, is to be developed by the Product Stewardship Working Group. The Work Plan will include a breakdown of key activities, associated timeframes and costs, funding sources, responsibilities, stakeholder engagement, and risk management strategies.

Where funding is required for cross-jurisdictional projects to implement elements of this Work Plan and cost sharing is agreed by the Product Stewardship Working Group members, a draft proposal using the funding template provided by the IWG is to be submitted for approval to the EPHSC through the IWG.

Once finalised, this Work Plan must be provided to EPHSC for endorsement, and will form an attachment to these Terms of Reference.

⁴ All references in this document to EPHC and EPHSC can be read to mean any other forum that may be created following the 2009 COAG Review of Ministerial Councils.

Membership

The Product Stewardship Working Group will be chaired by the Australian Government and comprise representatives from state, territory and local governments.

The Product Stewardship Working Group may establish one or more sub-groups to implement specific initiatives under the NWP.

If the Product Stewardship Working Group requires expert advice, participation of an expert will be at the discretion of the Chair. The Chair may invite representatives to attend meetings from relevant government departments, organisations or businesses as required.

Where a member cannot attend, a nominated proxy will be accepted. Observers may attend at the Chair's discretion. Members will fund their own participation.

Administrative support

The National Environment Protection Council Service Corporation (NEPSC) may provide administrative support to the group⁵. Alternatively, the Chair, co-Chair or meeting hosts may provide some of these services.

Administrative support may involve arranging meetings and distributing papers, as well as managing Product Stewardship Working Group cross-jurisdictional contracts and coordinating reports for EPHSC and EPHC. The Product Stewardship Working Group members will be provided with an agenda prior to each meeting, and a summary record of the meeting and actions arising will be distributed to all working group members as soon as practicable after each meeting.

Frequency and conduct of meetings

The Product Stewardship Working Group will meet regularly or as required to progress its work. Teleconferences will be used where appropriate to minimise time and expense to members and other participants.

Reporting

The Chair of the Product Stewardship Working Group will be responsible for:

- Co-ordinating reports twice a year on the progress of existing and new initiatives under NWP strategies one and three to EPHSC and once a year to EPHC
- Reporting through the NWP IWG using the IWG templates.

The IWG is responsible for co-ordinating reports and funding requests from the seven working groups for EPHSC and EPHC on the activities and progress of the NWP.

Confidentiality

Discussions of the Product Stewardship Working Group are 'government-in-confidence'. The Working Group will agree on what, if any, information should be released into the public domain.

⁵ NEPSC's role in providing administrative support to working groups will be subject any changes to EPHC arrangements arising from the 2009 COAG Review of Ministerial Councils.

National Waste Policy Priority Initiatives and Major Milestones⁶

Strategy Cluster 1: Product Stewardship

Strategy 1

To establish a national framework underpinned by legislation to support voluntary, co-regulatory and regulatory product stewardship and extended producer responsibility schemes to provide for the impacts of a product being responsibly managed during and at end of life.

- Develop and enact Commonwealth national product stewardship framework legislation:
 - Stakeholder reference group established May 2010
 - Discussion paper released July 2010
 - Bill introduced into Parliament in spring 2010 sitting period
 - Legislation in place by 2011.
- Develop and implement national television and computer product stewardship scheme:
 - Implementation Working Group established March 2010
 - Stakeholder consultation from April 2010
 - Draft scheme developed by industry by July 2010
 - Scheme commences by mid 2011
 - National code of practice for e-waste recyclers developed and transitioned to an Australian Standard by December 2012.
- Develop and implement national tyre product stewardship strategy:
 - Implementation Working Group established April 2010
 - Strategy developed by industry by May 2011
 - Strategy commences by end 2011.
- Develop and implement Fluorocycle scheme for mercury containing lamps:
 - Program commences by September 2010.

Strategy 3

To better manage packaging to improve the use of resources, reduce the environmental impact of packaging design, enhance away from home recycling and reduce litter.

- Develop and implement the Australian Packaging Covenant:
 - Consultation Regulatory Impact Statement by May 2010
 - Decision Regulatory Impact Statement released by June 2010
 - National Environmental Protection (Used Packaging Materials) Measure amended by end June 2010
 - Australian Packaging Covenant commences July 2010.

⁶ Milestone dates are as per the NWP Implementation Plan and are subject to change, pending EPHSC approval. The 2010 extended caretaker period has already resulted in delays in achieving deadlines.

- Scope and develop national standards:
 - Draft Australian Standard for biodegradable plastics in home composting released for comment in February 2010
 - Research on the rate and extent of biodegradable plastics in relevant Australian soil and marine environments completed by September 2010
 - Australian Standard for degradable plastics in home composting finalised September 2010
 - Two additional standards on plastics and biodegradable plastics by 2012
 - Scope need for other packaging standards by 2012.
- Additional measures to improve recycling of packaging and reduce litter:
 - Survey of community attitudes on willingness to pay to improve recycling of packaging and to reduce litter (choice modeling) completed by July 2010
 - Environment Protection and Heritage Council consider choice modeling report by July 2010.