

# ARA SUBMISSION

## E-WASTE TO LANDFILL BAN REGULATIONS (WA)

NOVEMBER 2023

The Australian Retailers Association (ARA) welcomes the opportunity to provide comments to the Department of Water and Environmental Regulation (the Department) regarding the ban on disposal of electronic waste (or e-waste) to landfill in Western Australia.

The ARA is the oldest, largest and most diverse national retail body, representing a \$420 billion sector that employs 1.4 million Australians – making retail the largest private sector employer in the country. As Australia's peak retail body, representing more than 120,000 retail shop fronts and online stores, the ARA informs, advocates, educates, protects and unifies our independent, national and international retail community.

We represent the full spectrum of Australian retail, from our largest national and international retailers to our small and medium sized members, who make up 95% of our membership. Our members operate across the country and in all categories - from food to fashion, hairdressing to hardware, and everything in between.

Within our membership, we support a number of independent retailers in Western Australia in addition to our large, national members who have extensive store networks and supply chains across the state.

The ARA is committed to driving sustainability in the retail sector, particularly around recycling infrastructure, the transition to the circular economy and efficient management of product stewardship schemes.

We therefore support Western Australia in taking the initiative to address e-waste but note the critical importance of all jurisdictions working together to ensure a consistent and harmonised national framework.

The ARA makes the following observations and recommendations, based on our review of the regulations and discussion paper.

### **National harmonisation needs to remain an objective**

Western Australia's ban on e-waste should align and be informed by initiatives in other states. Because retailers often operate nationally, different regulatory approaches in different jurisdictions can impose undue costs, create inefficiencies and potentially lead to unintended environmental impacts.

Accordingly, we note that the draft regulation extends requirements reserved for e-waste service providers in other states to larger businesses, which would capture multiple retailers. These requirements include storage and detailed record keeping requirements. Where a business is not providing e-waste services, we consider these requirements may not be necessary and may result in unintended consequences.

### **More time needed to prepare for regulation**

A start date of 1 July 2024 provides insufficient time for retailers to organise e-waste collection service and ensure that they set up for collection, storage and record keeping requirements in line with AS 5377.

All affected companies will need to work through all relevant requirements of AS 5377 to ensure compliance across all stores. This will include time to ensure store teams are sufficiently trained, and record-keeping processes established.

We therefore recommend a 12-month transition period from the commencement date of the regulations, with a focus on driving compliance through education rather than enforcement through this grace period.

### **Clarity needed around the role of product stewardship**

With numerous product stewardship schemes already in place and in the pipeline across Australia, including the Federal Government's announcement of a national e-waste product stewardship scheme, a holistic, national approach to product stewardship schemes is essential. This will minimise the risks and inefficiencies arising from multiple, piecemeal solutions across state borders.

Clarity is also needed on whether retailers involved in product stewardship programs are captured by the definition of "e-waste service providers" with the additional obligations for these providers.

### **Time needed to understand complexity and interdependencies**

#### **The ARA also recommended that adequate time be allocated to understand the following issues:**

- Regulation should consider the logistical challenges faced by businesses operating in Western Australia and the lack of recycling partners, which may lead to unnecessary financial and environmental impacts for retailers transferring waste from stores to depots, or interstate as necessary.
- Data security is a key issue for businesses when dealing with e-waste, particularly in relation to the destruction of assets that hold commercially sensitive data and information. Additional logistics costs will be incurred by businesses where it may not be appropriate to recycle e-waste in Western Australia meaning that these materials could be sent to other states for secure destruction.
- Clarity should be provided to ensure that e-waste disposed of by customers in a retailers rubbish bin are captured by these regulations, or not.
- Additional information on relevant reporting requirements of the legislation is required to ensure that businesses are not adversely impacted by onerous data capture and reporting, which may outweigh the benefits of the scheme

Thank you for the opportunity to provide a submission to the Department. We look forward to further engagement as discussions progress on this important initiative.

Any queries in relation to this submission can be directed to our policy team at [policy@retail.org.au](mailto:policy@retail.org.au).