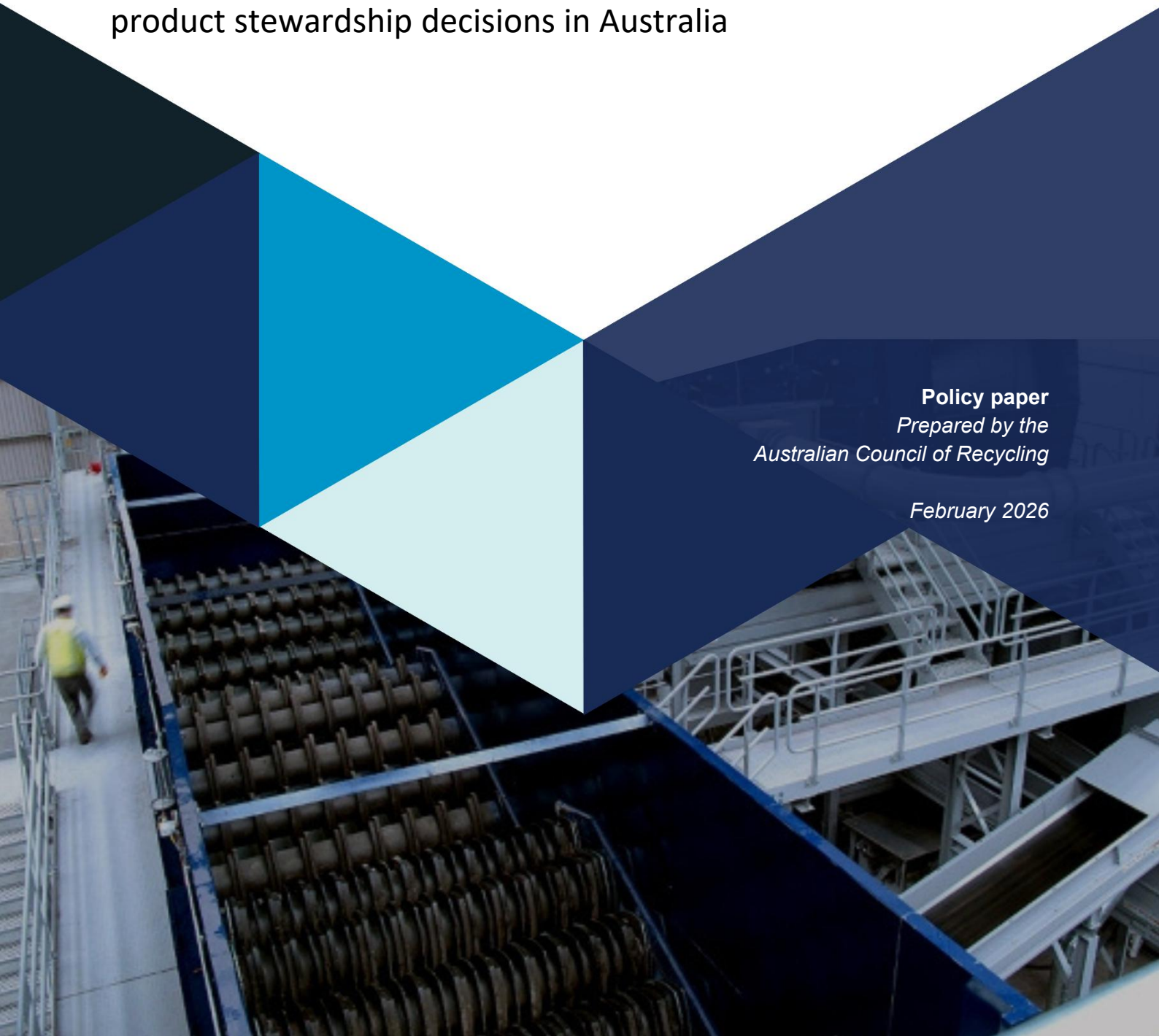
AUSTRALIAN COUNCIL OF RECYCLING

When to intervene: A trigger framework for initiating effective product stewardship and EPR schemes

A policy framework to guide transparent, data-driven product stewardship decisions in Australia



Policy paper

Prepared by the Australian Council of Recycling

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Acknowledgement of Country

We acknowledge that Aboriginal and Torres Strait Islander peoples are the First Peoples and Traditional Custodians of Australia, and the oldest continuing culture in human history.

We pay respect to Elders past and present and commit to respecting the lands we walk on, and the communities we walk with. We celebrate the deep and enduring connection of Aboriginal and Torres Strait Islander peoples to Country and acknowledge their continuing custodianship of the land, seas and sky.

We acknowledge the ongoing stewardship of Aboriginal and Torres Strait Islander peoples, and the important contribution they make to our communities, economies and the environment.

About ACOR

The Australian Council of Recycling (ACOR) is the peak industry body for the resource recovery, recycling, and remanufacturing sector in Australia. The Australian recycling industry contributes almost $19 billion in economic value, while delivering environmental benefits such as resource efficiency and diversion of material from landfill.

Our membership is represented across the recycling value chain, and includes leading organisations in advanced chemical recycling processes, CDS operations, kerbside recycling, recovered metal, glass, plastics, paper, tyres, textiles, battery and e-waste reprocessing and remanufacturing, road recycling and construction and demolition recovery. Our mission is to lead the transition to a circular economy through the recycling supply chain.

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Executive summary

Australia currently lacks a clear, consistent, and nationally agreed framework to determine when and why product stewardship or extended producer responsibility (EPR) schemes should be initiated. As a result, stewardship interventions are often driven by opaque processes, short-term priorities, or voluntary industry action rather than transparent, evidence-based triggers. This lack of clarity undermines investment confidence for recyclers, risks unintended market disruption, and can lead to poorly designed schemes.

This paper proposes a "trigger framework" to guide the initiation of new product stewardship and EPR schemes in Australia. The framework is intended to support government decision-making by introducing clearer, data-driven and consistent criteria for intervention, while ensuring stewardship mechanisms are deployed only where genuine market failures exist and alternative policy instruments are insufficient.

From the perspective of the recycling sector, product stewardship and EPR are vital tools for overcoming market failures and enabling investment in collection, processing and end-market development. However, when introduced without clear triggers, robust data, or meaningful consultation, stewardship schemes can inadvertently disadvantage existing recyclers, distort markets, and undermine the very outcomes they are intended to achieve. This paper therefore emphasises the central importance of early and mandatory engagement with recyclers, whose business models, infrastructure and operational expertise are directly affected by stewardship interventions.

Decisions to initiate stewardship schemes should be guided by explicit quantitative and qualitative indicators, including low collection or recycling rates, insufficient domestic processing capacity, lack of viable end markets, hazardous or high-risk product characteristics, and clear evidence of market failure. While the need for quantitative thresholds is critical, this paper recognises that appropriate trigger points will vary by product type and sub-category. Accordingly, indicative thresholds are presented as placeholders only, to be determined through sector-specific analysis, informed by international benchmarks, domestic capability and structured stakeholder consultation.

To support better decision-making, the paper proposes a formalised pre-scheme assessment process, including independent data collection and a pre-listing consultation stage prior to inclusion on the Minister's Priority List or initiation of regulated schemes. This would provide a transparent evidence base to inform whether intervention is warranted, how it should be designed, and whether alternative policy tools could achieve the desired outcomes more effectively.

International experience demonstrates the value of clearer national leadership in stewardship decision-making. The European Union provides prescriptive, target-driven triggers aligned with the waste hierarchy, while New Zealand has adopted a strategic, consultative approach to assessing multiple priority waste streams. By contrast, Australia's fragmented, product-by-product approach has resulted in inconsistent implementation and uncertainty for industry.

ACOR's calls for:

- Clearer, data-driven triggers for stewardship intervention.
- Mandatory consultation with recyclers and affected stakeholders.
- Differentiated levels of stringency for EPR versus broader product stewardship schemes.
- Greater national coordination through a strategic, whole-of-system approach.
- Accelerated prioritisation mechanisms for hazardous and high-risk products.
- By adopting a transparent and consistent trigger framework, governments can improve the effectiveness of product stewardship and EPR schemes, reduce unintended market impacts, and provide greater certainty for investment in Australia's recycling and resource recovery sector.

1. Purpose

This document proposes a “trigger framework” to inform the initiation of new product stewardship and extended producer responsibility schemes in Australia. It identifies the need for a more transparent, consistent, and data-driven approach to determining stewardship intervention, arguing that current processes lack the clarity necessary to ensure the right stewardship interventions are prioritised, initiated schemes are optimally designed, and certainty for the recycling industry is provided.

The framework recommends the use of explicit, quantitative metrics, such as low collection rates and lack of end markets, as conditions for launching new schemes. It also emphasises the importance of a formalised, pre-scheme data collection and consultation process that includes recyclers and other key stakeholders.

Australia lacks a consistent, nationally agreed decision-making framework that defines when stewardship is justified, why, and how it should be initiated. By formalising these steps, this framework seeks to ensure that any new schemes are well-justified, effective, and designed to genuinely address market failures without unfairly disrupting or disadvantaging existing recycling and associated sectors.

2. Product Stewardship and Extended Producer Responsibility

Product stewardship and extended producer responsibility (EPR) refer to management approaches that ensure that the producers of products must work to enhance outcomes for the materials and products they place on market once they are disposed of. The terms are often used interchangeably as the sector matures and related initiatives expand and proliferate, which can create confusion among stakeholders.

Put simply, EPR generally places a more direct and often legally binding obligation on producers for the end-of-life management of their products by being required to pay for collection and recovery. Product stewardship generally encompasses a range of broader, sometimes voluntary approaches (e.g. eco-design requirements, advocacy, market development and data management) with an emphasis on the entire product lifecycle, from design to end-of-life.

While it is important to distinguish between product stewardship and EPR schemes, as their triggers for intervention and performance metrics may differ, this paper uses the term product stewardship to refer to both EPR and product stewardship unless stated otherwise.

3. Context

For recyclers, product stewardship and EPR schemes are recognised as vital instruments for overcoming market failures and delivering tangible benefits to resource recovery supply chains. Indeed, EPR can provide valuable resources to support investment in critical recycling business models, infrastructure, and operations that enable the expansion and delivery of services where they would not otherwise be viable in a purely market-based system. However, for these benefits to be realised without detriment to existing recyclers, ACOR research, publications and analysis provide the following context for consideration.

3.1. Stewardship schems: not the only instrument

It is crucial to acknowledge that stewardship schemes represent just one instrument among many available policy mechanisms to address market failures and achieve environmental and economic benefit. In many instances, existing market-based services, driven by the ingenuity and investment of the recycling sector, already meet system performance requirements without direct stewardship intervention. Additionally, less prescriptive policy mechanisms, such as landfill levies, export bans, robust EPA regulation and enforcement, targets, subsidies, and strategic procurement policies, can also deliver significant benefits with potentially less disruption to existing markets. Stewardship schemes are most effective when deployed surgically, where genuine market failures exist and other instruments are insufficient.

3.2. ACOR publications on product stewardship schemes

To be effective, schemes must be designed as mechanisms to deliver genuine, and measurable outcomes that work in the best interests of all parties in associated industries and supply chains. As outlined in ACOR's

Recyclers in Product Stewardship issues paper, this requires engagement of the full supply chain - including recyclers - along with clearly defined objectives, rules and targets supported by robust data.

Consistent metrics and transparent reporting are essential for tracking progress, evaluating performance, and identifying where improvements are needed. Measuring recycling outcomes and supply-chain compliance highlights successes, supports ongoing monitoring and accountability, and shows where further action is required. These measures also ensure schemes deliver value for government, industry, and the community. ACOR's 'Resource Recovery and Recycling Metrics for Transparent and Effective EPR and Product Stewardship' outlines priority metrics and guiding principles to inform government decisions on establishing and assessing stewardship schemes, providing a foundation to identify appropriate measures for accountability.

3.3. The importance of considering recyclers

Currently (as represented in Table 1 and analysis of the Ministers' Priority List in report), the initiation of schemes in Australia is not prescriptive or straightforward and can often be led by the brand owners that place material on the market or factors such as the short-term political and media priorities. The establishment of schemes via these means is not sufficiently inclusive of the recyclers who best understand the management of disposed materials and products, and whose business models and livelihoods will be directly impacted by the implementation of such schemes.

Recyclers are often highly invested innovators and leaders in providing valuable resource recovery services for the community, with business models predicated on the existing 'free market' basis. The implementation of stewardship schemes, by their very nature, intervenes in a market through an administrative system to overcome perceived market failures. The imposition of such systems, if not carefully designed and implemented, can inadvertently disadvantage existing players and disproportionately benefit the organisations that manage the significant resource inflow a new scheme brings, along with the associated market influence it provides.

Early and genuine collaboration with recyclers in the development of schemes is essential to improve the way in which they are conceived, designed, and implemented, leading to more efficient and effective outcomes for recyclers, producers, government and the community.

3.4. Regulated and voluntary stewardship approaches

A spectrum of regulated, co-regulated, and voluntary stewardship approaches currently exists, but there are gaps in national coordination.

This document focuses on strengthening government leadership, particularly at the Federal level, to establish a more cohesive, inclusive, and efficient national stewardship framework. Industry-led voluntary schemes should also adopt the recommendations outlined here, including comprehensive engagement processes, especially with the recycling industry.

4. Current processes for initiating stewardship schemes

Australia's current federal approach, reliant on the Minister's Priority List, lacks definitive data-driven metrics and mandatory consultation with key stakeholders like recyclers, which undermine investment certainty for the industry. Similarly, state-level legislation, such as the NSW *Product Lifecycle Responsibility Act 2025*, while supported and commended by ACOR, establishes the framework for a scheme once it is operational, but does not specify the explicit triggers for its application to a particular product.

4.1. Australia

4.1.1. Australian Government

Australia's current federal approach to triggering product stewardship and Extended Producer Responsibility (EPR) schemes is primarily through the annual Minister's Priority List under the *Recycling and Waste Reduction Act 2020*, which provides a framework for identifying products in need of action (See **Appendix 1** for more context).

For Australian recyclers, the current Australian federal trigger mechanisms lack the clarity to support investment certainty for recyclers and industry for two primary reasons.

4.1.2. Lack of definitive metrics in considering scheme implementation:

Sections 2b and 3 of Section 67 of the Act, state that the Minister '*must have regard to any relevant national waste policies or plans'* and *may have regard to* whether a product has been previously listed, if it meets specific product stewardship criteria, the financial cost to governments, consumer willingness to pay, and the potential for new business opportunities.

There is no reference to firm data and trigger point metrics such as recovery rates, material hazard or other clear indicators for when a scheme should be implemented. This creates a lack of clarity for the industry to understand when a scheme may be prioritised through opaque considerations and a non-prescriptive process.

4.1.3. Lack of requirements to consult with recyclers

Section 67 of the Act states that the Minister must consult with each state and territory, as well as any relevant Centres of Excellence (if any). However, the Minister may consult with one or more of persons or organisations involved in, or advocating for, best practice in relation to the reuse, remanufacture, recycling and recovery of products, waste from products and waste material as well as industry and consumer groups, environmental organisations, and local governments.

These conditions make consultation with recyclers optional and are not sufficient in compelling appropriate consultation to initiate a Scheme.

A more transparent and prescriptive process that requires engagement with recyclers is necessary to create an equitable and inclusive means of determining when a product stewardship scheme should be initiated.

4.1.4. Previous Australian Government publications

It is worth noting that in 2004, the former COAG Environment Protection and Heritage Council (EPHC) published an *Industry Discussion Paper on Coregulatory Frameworks for Product Stewardship* that recommends 'Threshold Criteria'[1] (Appendix 2) *to indicate when it may be appropriate to use a co-regulatory approach to product stewardship.* The paper states *that the threshold criteria may also be used to determine circumstances where governments may initiate a product stewardship agreement with an industry sector.*

The EPHC document also lists Guiding Principles to set the framework within which an industry scheme and Product Stewardship Agreement is negotiated between government and an industry sector. The Guiding Principles seek to ensure that membership to a scheme is accessible to all responsible parties and achieve a high level of participation and/or support from stakeholders, including local governments, **the recycling industry**, and consumer groups as relevant to a particular industry sector.

This foundational intergovernmental Australian Government document provides greater clarity on stewardship triggers, performance measures and importantly, stipulates inclusivity with industry with an emphasis on the role and importance of recyclers.

The EPHC operated within the former COAG ministerial council system, and although COAG has since been replaced, its functions in this area now continue through the Environment Ministers Meeting (EMM). In that context, it is striking that current regulations do not draw on the recommendations set out in the EPHC's own publication. Even so, the document does provide an insight into what an appropriate stewardship development process should be in Australia.

[1] Environment Protection and Heritage Council (December 2004), 'Industry Discussion Paper on Co-regulatory Frameworks for Product Stewardship', National Environment Protection Council website, accessed December 2025

4.1.5. NSW Legislation: Product Lifecycle Responsibility Act 2025 (PLRA)

The NSW government has taken a leadership role in the establishment of the Product Lifecycle Responsibility Act 2025 (PLRA), to drive regulations and establish schemes for priority materials such as batteries, where more federal leadership would be of benefit.

However, the PLRA legislation itself does not contain the specific triggers for implementing a scheme. Instead, it establishes the framework for how a scheme would operate after the decision to implement it has been made. The Act is a "framework" that defines the roles, responsibilities, and mechanisms for a stewardship scheme. It gives the Minister and the regulator the authority to:

- **Establish a scheme:** The regulations "may establish a scheme for the stewardship of the lifecycle of a regulated product" (8.1).
- **Set requirements and targets:** The regulations can prescribe product stewardship requirements (e.g., use of recycled materials, product design) and *set a product stewardship target, including a target expressed as a percentage* (9.1).
- **Enforce compliance:** Outline penalties for brand owners who fail to comply with requirements (Section 10) and sets up a system for record-keeping (11) and reporting (12) and financial assurances to secure funds for carrying out the required actions (Part 3).

However, the PLRA does not specify the triggers or criteria that would lead the Minister or government to decide that a product should be designated as a "regulated product" and have a scheme applied to it.

There must be greater clarity in determining clearer triggers for the determination of 'regulated products' under this act.

4.2. International context

4.2.1. Europe

By contrast, the process to initiate stewardship and EPR schemes in Europe is more prescriptive, providing more clarity to regulators, producers and the recycling sector.

As outlined in **Appendix 3**, the Waste Framework Directive (2008/98/EC) (WFD) *establishes a legal framework for treating waste in the European Union (EU)*. Article 11 of the WFD sets out specific, quantitative targets for recycling and preparing for re-use that Member States must achieve such as increasing municipal waste recycling targets to 55% by 2025, 60% by 2030, and 65% by 2035.

The directive formally introduces the concept of Extended Producer Responsibility (EPR) in Article 8, stating that Member States have the authority to implement measures that hold producers financially and/or organizationally responsible for their products' end-of-life stage to reach the prescribed recycling and reuse targets. Article 8a specifies that any established EPR schemes must set waste management targets in alignment with the directive's waste hierarchy (prevention, re-use, recycling, recovery, disposal).

The Europe example highlights the benefit of having clear and specific targets that are aligned to the waste hierarchy as well as the benefits of a central government lead approach.

4.2.2. New Zealand

In 2014, the New Zealand government via the Ministry for the Environment (MfE) undertook a consultation process on whether it should intervene to improve management for four product streams[2] and published a Priority waste streams for product stewardship intervention document incorporating feedback from this process.

The consultation included waste stream evaluation criteria related to risk of harm, resource efficiency opportunities, voluntary measures sufficiency, industry readiness and the profile of current producers (See

[2] electrical and electronic equipment, tyres, agricultural and farm plastics and refrigerants and other synthetic greenhouse gases

Appendix 4 for more detail). This process informed the Proposed priority products and priority product stewardship scheme guidelines, published in 2019.

Although the process was drawn out, the New Zealand example demonstrates a strategic national approach to stewardship assessment that is inclusive of multiple product streams supported by an extensive engagement process with critical stakeholders. From this process, the New Zealand government expanded the scope of stewardship reform to include packaging and proceeded with a regulated stewardship framework.

The New Zealand example also demonstrates the value in having a central government lead a coordinated national approach which is inclusive, consultative and strategic, as opposed to the fragmented approach in Australia which has multiple industry-led schemes, often seeking independent Australian Competition and Consumer Commission (ACCC) authorisation to operate[3].

5. Current considerations and process for initiating a stewardship scheme

The EU leads the way in defining the triggers and metrics to assess the need for an EPR scheme and provides the mechanisms to lead the establishment of an EPR scheme. New Zealand also exemplifies a process to consult with stakeholders and take a more strategic approach that is inclusive of multiple priority materials when assessing national stewardship priorities.

However, beyond the EU, while factors such as low recovery rates or material/product hazard are indicators for the need of an EPR scheme, there are not generally specific numerical thresholds that act as universally applied triggers for the initiation of a scheme.

Additionally, the process to assess the need for a scheme is generally not as inclusive and nationally strategic as that undertaken by New Zealand – particularly in Australia where schemes are often driven by brand owners of a particular product on a voluntary basis in lieu of government leadership (as is the case with paint, tyres and soft plastics).

As summarised in *Table 1* below, the decision to implement a scheme is often based upon a complex interplay of factors including policy, economic and public priorities, rather than a single, predefined metric.

[3] The ACCC does not approve schemes, it authorises schemes under **Competition and Consumer Act 2010,** which grants exemptions from conduct that would otherwise breach cartel or anti-competitive behaviour laws. Authorisation is only granted where the ACCC is satisfied that the proposed collaboration is **likely to deliver a net public benefit** that **outweighs any public detriment**, including reduced competition.

Table 1: Considerations for the establishment of stewardship and EPR schemes

Category	Trigger / Challenge	Description
Environmental and waste management challenges	Low collection, recovery and/or recycling rates	The product is not collected and recycled in high enough volumes in the current, market-based model
	Significant waste volume and complexity	Products that are a significant component of the waste stream and are burdensome to existing (often municipal) systems
	Hazardous or toxic substances	Presence of substances like mercury, lead, cadmium, PFAS, etc., poses long-term environmental and health risks if not managed properly. The product can lead to fires (such as batteries)
	Nuisance products	Items causing persistent collection, litter, or recycling issues (e.g., e-waste, soft plastics, beverage containers, tyres) drive municipal costs and public concern.
	Inefficient resource use and GHG emissions	Opportunities for GHG reduction through better recycling, reuse, or material substitution incentivise intervention.
Policy and regulatory drivers	Failure of existing systems	The market, voluntary or informal schemes not achieving objectives (e.g., low recovery rates, unmarketable materials).
	Transition to mandatory schemes	When voluntary efforts fail (e.g., low participation, free-riding), governments often intervene with mandatory EPR.
	Ministerial priority lists	Used in Australia and elsewhere to flag products for action; regulatory intervention follows if voluntary measures fall short.
	International harmonisation and standards	Global pressure from the OECD, EU or alike to align with emerging EPR standards and life-cycle requirements.
	Precedents of similar products	The existence of EPR schemes for similar items (e.g., packaging types, electronics) can justify action on new product categories.
Economic and financial considerations	Shifting financial burden	Reallocation of waste costs from taxpayers/municipalities to producers is a central economic justification.
	Incentivising eco-design	EPR schemes encourage design for the environment through eco-modulated fees, rewarding sustainable design with lower fees.
	The cost of recovery of product/material exceeds the value of recovered product/material	This metric determines that there is a market failure and therefore a requirement to consider a stewardship or EPR response.
Public, political, and industry readiness	Public support	High public awareness and demand for environmental action are strong catalysts for regulatory response.
	Political interest	Political media releases, desire to appeal to voters on a topic that has exposure and/or distract from other issues, policy signals, and environmental crises indicate political readiness.
	Industry willingness	Where industry engages proactively, schemes may develop collaboratively, but a lack of action despite concern often results in regulation.

6. Recommendations

To ensure the most efficient and effective stewardship models in Australia, it is critical that the process for determining how stewardship interventions are determined is done in a collaborative manner based upon consistent factors that provide certainty for all stakeholders.

Uncertainty about how new schemes are established undermines investment confidence across broader recycling streams. There is a need for clarity about where Australian governments and industry will, and will not intervene, with a priority of engaging closely with the recycling sector to ensure that domestic investment is not disrupted or undermined.

The following considerations are proposed to support the establishment of an appropriate trigger mechanism for stewardship and EPR schemes in Australia that delivers the best outcome for government, brand owners and recyclers:

1) **Clearer metrics and triggers for intervention:** Explicit, quantitative, and legally binding targets as triggers for intervention or enforcement, moving beyond qualitative assessments. This provides greater predictability and accountability.

   These should align with metrics such as those below. Indicative quantitative thresholds are shown as placeholders (XX%). Actual benchmarks would be determined through sector-specific analysis and consultation, informed by international experience, domestic capability and market conditions.

   - COLLECTED rates are below XX% of POM,
   - Recycling infrastructure volume can process less than XX% of POM,
   - There are no clear END MARKETS for recycled materials,
   - The value of recycled product does not cover the cost of processing materials in Australia (as assessed by the recycling sector),
   - Product design raises barriers to recoverability and recyclability that would otherwise maximise value (multi-materials, chemicals of concern),
   - The RECYCLING RATE is less than XX%.
   - Specific thresholds would be determined through sector-specific analysis and consultation, informed by international benchmarks and domestic capability.

   Assessment metrics should include granular product definitions in relation to subcategories (**Appendix 5**) to ensure clear guidance on how "product type" and "sub-category" are defined for the application of triggers to ensure consistency (e.g., individual products, broad product categories, or specific material streams).

   Any assessment process should require an independent Pre-Scheme Data Collection process for any product being considered for the priority list or a mandatory scheme. This would require comprehensive data collection on waste generation volume, material composition, presence of hazardous substances, and current end-of-life management practices (including existing recycling/recovery rates). This data would serve as a clear baseline and inform the necessity and design of a scheme, then underpin metrics to measure performance once implemented.

2) **Pre-listing regulatory impact assessment/industry consultation:** Prior to formally listing a material as a priority or initiating a new scheme, conduct a preliminary policy options assessment process with a dedicated industry consultation initiative.

   This will enable the necessary detail in setting and assessing metrics and mitigate intervention where markets are performing well in some categories (such as large format ridged plastics in kerbside or passenger and truck tyres) but not others (such as soft plastics and EPS or mining and OTR tyres).

   This step would allow for a deeper dive into the specific products and materials, market dynamics, and potential impacts of intervention, canvassing responses from all affected stakeholders (producers, recyclers, consumers, government) to ensure the most effective and least burdensome approach. This would provide a final check on the validity and appropriateness of an intervention before it becomes formal. Similar processes have been initiated informally, led by state governments,

providing a reference point for further consideration on the benefits and risks of such approaches (**Appendix 6**). However, informal, state-led processes may lack the rigour and depth needed to comprehensively assess complex product challenges. They may also be mistaken for a comprehensive assessment and inadvertently shape regulatory reform despite not following a prescribed, robust process.

3) **Formalised stakeholder consultation process**: Make consultation with recyclers mandatory.

   a) As opposed to the current process for the Minister's Priority List, which does not require engagement with the recycling sector, this should include mandatory engagement with recyclers, brand owners, government, and other relevant sector experts to develop an appropriate stewardship response.

   b) ACOR, as the peak industry body for the resource recovery, recycling, and remanufacturing sector, should be formally engaged and play a central role in these consultation processes. This ensures the invaluable on-the-ground expertise and business model considerations of the recycling sector are directly integrated into scheme assessment, design and implementation. There should be a process more aligned with the Australian Government EPHC document discussed in 4.1.4 which would require engagement with ACOR and recyclers.

4) **Differing stringency product stewardship vs EPR schemes:** While core metrics are universal, the required rigor, specificity, data verification, and legal implications of trigger thresholds will vary significantly between EPR and broader product stewardship schemes.

   a) For EPR, metrics must be precise and legally defensible, demanding robust data and independent auditing.

   b) For broader product stewardship, metrics also need to be appropriate and stringent; however, they may be more related to industry performance and fund dispersion, rather than collection and recycling outcomes (which may not be the remit of a product stewardship scheme). This distinction should guide the final determination of specific thresholds and data requirements.

5) **Design for recycling:** The evaluation process for new schemes could include the potential for an EPR program to stimulate product redesign to reduce material and resource usage and hazardous waste generation. Additionally, such measures may include engagement with recyclers to identify products that are designed ineffectively for end-of-life management. This ensures that the focus is not just on end-of-life management but also on preventing waste, aligning the design of products with end-of-life and recycling requirements, thereby promoting circularity from the product's inception.

6) **National Stewardship Strategy**: Australia's current approach to product stewardship is fragmented and lacks centralised leadership and a unified national strategy. This creates significant uncertainty for recyclers, brands, and consumers, while undermining the effectiveness of efforts to improve environmental outcomes.

   Currently, the focus is on individual products, with multiple schemes—including those for batteries, e-waste, textiles, packaging, and tyres—all competing for priority and attention. Without a central timeline or strategy, it is unclear which products are most critical for stewardship intervention. This leaves recyclers and brands without a clear understanding of where to invest their resources, which ultimately stifles investment and innovation.

   Like the process undertaken in New Zealand (4.2.2), a more systematic approach is needed—one that looks at all material streams collectively and prioritises the use of limited government resources more effectively. Governments should consider developing a National Stewardship Strategy that uses clear, data-driven metrics to prioritise schemes systematically. This would ensure interventions are focused on where they are most needed

   This approach would provide clearer national direction through a unified framework that gives all stakeholders the clarity and timelines they need to work together effectively and provide greater certainty for investment. It would also create a centralised process for stakeholder engagement allowing interested parties to have more direct input into a national stewardship approach.

7) **A centralised national approach:** The Australian Government is urged to take a greater leadership role in coordinating the process to assess and initiate schemes. The NSW government is commended for showing leadership with the Product Lifecycle Responsibility Act and driving the implementation of schemes where the need is identified and federal leadership is lacking. However, having state led schemes leads to inconsistent implementation models and differing regulatory requirements, resulting in operational inconsistencies, greater costs and inefficiencies for recyclers, brands, and government.

   Additionally, a lack of centralised regulated schemes leads to the proliferation of voluntary industry-based schemes that often lack transparency and accountability as well as the ability to scale and be effective due to free rider issues.

8) **Hazardous material prioritisation process:** Given the risk that hazardous materials pose in recovery processes (such as with battery containing products like e-bikes and e-cigarettes), there should be mechanisms to 'fast track' stewardship prioritisation for hazardous products. The lack of responsive centralised government intervention for batteries and related products has created significant ongoing business, health and safety risks due to fires. Products that have elevated health and safety risk, particularly with the emerging proliferation of battery containing 'e-products', require specialised considerations and allowances within the prioritisation of national product stewardship and EPR mechanisms to fast track coordinated national action.

By integrating these recommendations, Australia can move towards a more robust, transparent, and strategically informed 'trigger process' for product stewardship and EPR schemes, fostering inclusiveness, greater industry certainty and more effective environmental outcomes.

7. Conclusion and policy considerations

ACOR's proposal for a Trigger Framework outline an accountable and proactive approach to product stewardship that supports better outcomes across the whole supply chain while maintaining the interests of Australia's recyclers.

By incorporating more precise, data-driven triggers and formalising the assessment and intervention processes, the framework will offer greater transparency and predictability for industry. This will provide more certainty for investment in recycling infrastructure, fostering a more resilient resource recovery economy.

ACOR wishes to collaborate and work constructively with government and producers to deliver outcomes in the best interests of the entire supply chain. This collaborative approach, underpinned by transparent metrics and processes, is vital for ensuring that product stewardship interventions genuinely overcome market failures and deliver optimal benefits to resource recovery supply chains, without unfairly disadvantaging the highly invested Australian recycling sector

Appendix 1: Australian Government Minister's Priority List: Current conditions for initiating product stewardship

Section 67 of the Recycling and Waste Reduction Act 2020 (RAWR Act) established that every year, before the financial year ends, the Minister must publish a Minister's Priority List. This list names the products being considered for regulation in the coming year. For each product, the list must state the reasons for its inclusion, the recommended actions to be taken, and the deadlines for those actions.

In preparing this list, the Minister is **required to consult** with each state and territory, as well as any relevant Centres of Excellence.

The Minister **may also consult** with a wide range of other groups, including recycling advocates, industry and consumer groups, environmental organizations, and local governments.

In preparing the list, the Minister must consider Sections 2b and 3 of Section 67 of the Act, which states that the Minister '*must have regard to any relevant national waste policies or plans'* and *may have regard to* whether a product has been previously listed, if it meets specific product stewardship criteria, the financial cost to governments, consumer willingness to pay, and the potential for new business opportunities.

Finally, after the recommended timeframe passes, the Minister must review whether the actions have been taken. If they haven't, the Minister must either make further recommendations or decide that a form of regulation is appropriate for the product.

Appendix 2: Environment Protection and Heritage Council (EPHC) Threshold Criteria

Any proposed industry scheme or schemes must:

1. Clearly identify the environmental, social and economic costs and benefits arising from the proposed scheme, that promote sustainable development of product stewardship.
2. Clearly demonstrate that without supporting safety net regulation, the proposed industry scheme(s) would suffer from a limited ability to deliver effective outcomes and that potential members of the industry scheme would suffer a competitive disadvantage.
3. Be viable and consistent with relevant domestic legislation and other government policies, including sustainable development and competition policies.
4. Where required, include a commitment by the specific industry sector to provide aggregated quantitative information on product life cycles.
5. Have the commitment and participation of a substantial segment of the industry sector. This could be achieved through the combined membership of individual and collective schemes.

(Note: what represents a "substantial segment" of an industry sector will need to be determined on a sector-by-sector basis).

6. Be national in scope, with the possibility of staged rollout in certain circumstances where the need is clearly justified and the timelines for rollout are agreed between industry and governments.
7. Allow membership of the proposed scheme to be open to all relevant industry parties to avoid creating barriers to market entry and disadvantage to small businesses.
8. Be designed and implemented in such a manner as to be consistent with Australia's international obligations, e.g. under trade and environment agreements.

Appendix 3: Comparative analysis of product stewardship mechanisms

Below is a comparison of product stewardship triggers for the EU and Canada to provide international context for the Australian approach:

Jurisdiction	Regulation name(s) / framework	Key considerations for scheme creation/establishment (with specific terms/quotes where available)
EU	Waste Framework Directive (WFD) (e.g., Directive 2008/98/EC, amended by 2018/851/EU	The Waste Framework Directive (WFD) establishes the legal framework for waste treatment in the EU and is designed to protect the environment and human health by emphasising the importance of proper waste management, recovery and recycling techniques to reduce pressure on resources and improve their use. The directive establishes a waste hierarchy, confirms the 'polluter-pays principle' whereby the original waste producer must pay for the costs of waste management. Article 8 in the WFD introduces the concept of '**extended producer responsibility**' stating that Member States may take legislative or non-legislative measures to ensure that any natural or legal person who professionally develops, manufactures, processes, treats, sells or imports products (producer of the product) has extended producer responsibility. 8a of the Directive states that Member States will: 1. define in a clear way the roles and responsibilities of all relevant actors involved, including producers of products placing products on the market of the Member State 2. in line with the waste hierarchy, set waste management targets, aiming to attain at least the quantitative targets relevant for the extended producer responsibility scheme Article 11, **Preparing for re-use and recycling** states that Member States shall take measures to promote high-quality recycling and… Member States shall take the necessary measures designed to achieve the following targets: 1. by 2020, the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be increased to a minimum of overall 50 % by weight; 2. by 2020, the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the list of waste shall be increased to a minimum of 70 % by weight; 3. by 2025, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 55 % by weight; 4. by 2030, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 60 % by weight; 5. by 2035, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 65 % by weight.
Canada	Provincial EPR Regulations (e.g., British Columbia, Ontario, Quebec, Alberta, Nova Scotia)	EPR is implemented provincially, with variations across jurisdictions. Producers are typically responsible for managing end-of-life products and packaging, often through PROs. Covers a range of products including packaging, electronics, batteries, and tyres. Trigger thresholds relate to: – "Increasing costs for municipalities" to manage waste. – "Environmental concerns" from improper disposal. – "Low recovery rates" under existing systems. – Commitment to circular economy and inter-jurisdiction harmonization. – Government and industry support for regulated solutions.

Appendix 4: New Zealand waste stream evaluation criteria

- **Risk of harm:** The relative risk of harm the product waste stream, as currently managed in New Zealand, poses to the environment.
- **Resource efficiency opportunities:** The degree to which the product waste stream, as currently managed in New Zealand, is being maximised for resource efficiency or supporting new business opportunities in resource recovery, compared to demonstrated results in other jurisdictions where data is available (social and economic benefit).
- **Voluntary measures insufficient:** A voluntary approach has been undertaken in New Zealand and participation rates and waste minimisation has been low.
- **Industry readiness:** There is significant New Zealand industry buy-in and willingness to engage to find better solutions. Significant sectors of the industry have approached Government seeking effective regulation to ensure a level playing field.
- **Current producers:** The waste stream is from a class of products which are currently entering the market in New Zealand, and can be connected to producers and manufacturers for the purposes of designing product stewardship schemes (not just orphan or legacy products).

Appendix 5: Product and material sub-categories

It is critical to acknowledge that the specific thresholds and the nuanced application of metrics will vary markedly across different product types (e.g., tyres, packaging, batteries) and within *sub-categories of a single product type.* This variability can reflect differences in material composition, collection infrastructure, processing technologies, and end-market dynamics. For example:

Packaging: The collection rates for HDPE (High-Density Polyethylene) packaging, commonly collected via kerbside recycling, will differ vastly from those for EPS (Expanded Polystyrene).

Tyres: Passenger and truck tyres have collection rates over 96% in Australia. However, Off-the-Road (OTR) and mining tyres in particular, due to their immense size, remote location of use, and specialised handling requirements, have recovery rates of 10% for OTR, and just 2% for mining tyres. The trigger thresholds for the initiative of EPR for tyres must account for the differences in the performance of these distinct sub-categories of product.

Batteries: While lead-acid battery recycling infrastructure is well-established in Australia with high recovery rates, the collection and recycling of smaller, embedded lithium-ion batteries in consumer electronics (e.g., vapes, laptops, e-scooters) present different challenges and significantly lower current collection rates, often leading to fire risks in waste streams.

With each of these product types, the differing 'sub-product' supply chains, material constitution, distribution channels and waste arising context of each must be considered. Given this diversity of characteristics, performance metrics and associated triggers for intervention must be contextualised for the detailed sub product categories of each to ensure action is focused on 'priority' streams and high performing streams are not unnecessarily disrupted.

Appendix 6: Inter-jurisdictional collaboration in pre-assessment for product stewardship schemes

The Department of Climate Change, Energy, the Environment and Water (DCCEEW), in collaboration with state governments, has undertaken discrete pre-assessment processes for specific product streams, demonstrating the value of such collaborative efforts prior to formal listing or scheme initiation. These examples highlight the practical application of assessing specific materials and canvassing responses:

- **Tyres:** The Western Australian Government has led a national project on end-of-life tyres on behalf of the Environment Ministers Meeting (EMM). This involved developing analysis and options for tyres and similar rubber products, including a consultation discussion paper.

A working group, including New South Wales, Queensland, and Western Australia, specifically investigated Off-the-Road (OTR) tyres and conveyor belts, acknowledging the lower recovery rates for these sub-categories compared to passenger and truck tyres has also been initiated. The outcomes of this work are intended to inform the DCCEEW's next steps for product stewardship in this sector.

- **Batteries:** Queensland, New South Wales, and Victoria jointly led accelerated work towards product stewardship for all batteries, particularly driven by escalating fire risks associated with lithium-ion batteries. This collaboration included examination of multiple policy options. Since then, NSW has introduced legislation for mandatory battery product stewardship in 2025, demonstrating how state-led initiatives can inform and drive national action following such collaborative assessments.

While States are commended for showing leadership in the absence of initiative federally, there is concern that informal state-led processes may lack the rigour and processes required to fully explore the complexities of the product challenges they seek to address and engage comprehensively with critical stakeholders such as recyclers.

Additionally, having state-led initiatives raises the risk of having a fragmented approach with multiple state-based schemes implementing differing models. This creates operational inconsistencies for recyclers, brands and government leading to cost and inefficiencies due to differing legislative environments and regulatory requirements.