Advocating for the people of Western Sydney

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Response to:

Draft Product Lifecycle Responsibility Regulation

A submission to the NSW Environment Protection Authority

November 2025

1. About WSROC

Formed in 1973, the Western Sydney Regional Organisation of Councils (WSROC), represents local government across Greater Western Sydney.

With a reputation for considered policy analysis and bipartisan advocacy, WSROC's primary role is to represent the councils and communities of Greater Western Sydney as well as developing resource sharing and other co-operative projects between Greater Western Sydney councils.

Over the past 50 years WSROC has developed a strong reputation for issues-focused advocacy, especially in the key areas of economic and social development, job creation, transport and infrastructure, planning, health and the environment, and has proven itself a reliable partner in intergovernmental relations, regional strategic planning, and coordinating joint projects and programs.

2. Introduction

WSROC thanks the NSW Environment Protection Authority for the opportunity to provide feedback on the Draft Product Lifecycle Responsibility Regulation (the Regulation) and acknowledges the NSW EPA's leadership in addressing the risks associated with improper battery disposal. Councils across Western Sydney strongly support the introduction of a mandatory product stewardship scheme for batteries due to the escalating frequency of fires in waste collection vehicles and resource recovery facilities.

Across the region, councils and waste contractors have experienced multiple battery-related fires in the past 12 months. These incidents pose significant safety risks to staff and the community, cause operational disruptions and contribute to rising waste facility gate fees. Voluntary producer-led schemes, including B-cycle, have not sufficiently reduced the incidence of battery-related fires or the volume of unmanaged batteries entering the domestic waste stream. A mandatory framework is therefore critical.

Some of our member councils, and councils participating in the Western Sydney Regional Waste Strategy Program, will make their own submissions. This document should be viewed in addition to, and complimentary to those submissions. This submission has been developed from the ongoing discussion and direct input of the eight councils participating in this program which include Blacktown, Blue Mountains, Cumberland, Fairfield, Hawkesbury, The Hills, Liverpool and Parramatta.

3. Proposed requirements for brand owners and Product Stewardship Organisations

3.1 Scope of Battery Products

The draft Regulation excludes several common consumer battery types, particularly embedded batteries in everyday household products. Limiting the scope in this way will reduce the effectiveness of the Regulation in reducing fires and will cause confusion at disposal points. Currently, excluded items that frequently enter household waste streams and increase the risk of fire include:

- batteries over 5kg
- batteries from energy storage systems
- e-micromobility devices (e-bikes, electric scooters, self-balancing scooters or electric skateboards)
- portable power banks
- embedded batteries in products including
    - bluetooth speakers and headphones
    - electric toothbrushes and personal care devices
    - flashing/light-up toys and ride-on toys
    - remote controls
    - cordless and robotic vacuum cleaners
    - vapes
    - wearable devices such as smart watches, trackers and medical aids
    - mobile phone, laptop and tablet batteries

Given the risk of embedded batteries and consumers' limited ability to distinguish product types, exclusion of these products will create confusion, contamination and ongoing safety risks.

Recommendation:

- Expand the Regulation to cover all common embedded battery products.

3.2 Brand Owner Definition

The definition of "brand owner" in the draft Regulation may exclude suppliers operating outside NSW who sell into the State via online platforms. This risks creating a large proportion of unregulated product supply.

Additionally, the draft Regulation may inadvertently place full regulatory responsibility on small retailers (e.g. dollar shops). The people who own those businesses would be classified as the "brand owners" under the Regulation. These retailers typically have no influence over product design, limited technical knowledge, and minimal bargaining power with suppliers. They may also lack the financial and operational capacity to meet the compliance obligations.

Recommendations:

- Clarify the definition of "brand owner" to ensure that regulatory responsibility is placed on the entity with control over product design and supply chain decisions (e.g. manufacturer, importer, or primary distributor).

4. The scope of the proposed action plan - a Product Stewardship Organisation is required to prepare

4.1 Education and Public Awareness

The success of the scheme is dependent on strong, consistent and well-funded public education. WSROC supports sections 11(1)(a), 11(1)(b), 12(1)(a) and 12(1)(b) of the draft Regulation. It is important that brand owners and Product Stewardship Organisations (PSOs) provide clear information to consumers on the safe disposal and recycling of batteries. Education at the point of purchase and product use is the most effective way to influence consumers' behaviour. Brand owners and PSOs are best placed to deliver this. Councils have already invested significantly in community engagement regarding safe battery disposal, but a state-wide campaign is required to ensure consistency and efficiency.

Recommendation:

- Establish an ongoing, state-wide education and behaviour change program with clearly assigned responsibility and funding.

4.2 Role of Councils and Collection Points

Previous stewardship schemes such as the National Television and Computer Recycling Scheme have relied heavily on councils as collection points. Councils should not be assumed as default collection sites under the Regulation. The action plan(s) should not rely on councils becoming collection points as they are defined in Schedule 1, section 6. A council's decision to facilitate a collection point will be dependent on funding, resources and safety considerations. Additionally, council sites alone are not sufficient or accessible enough to meet the "reasonable ability to access" requirement (Schedule 1, section 6).

The term "reasonable access" to collection points in the draft Regulation requires clearer definition to ensure equitable service provision. The Regulation should also establish performance indicators for evaluating the scheme and specify the review process prior to commencement.

Recommendation:

- No action plan should reference council collection points without the explicit written agreement of the relevant council(s).
- Define or clarify "reasonable access" to collection points.
- Include performance indicators and specify the timing and process for scheme review.

4.3 Product Stewardship Organisation (PSO) Reporting

WSROC supports the reporting and transparency obligations for PSOs. However, brand owners should also share responsibility for reporting on recovery, reuse or recycling arrangements.

The exemption threshold of 24kg is pragmatic but should be reviewed periodically to ensure small-scale suppliers and an accumulation of these, do not undermine the scheme.

We welcome the inclusion of public awareness requirements and the emphasis on informing consumers about safe disposal and access to collection points.

While financial penalties are a valuable compliance mechanism, the Regulation should provide clear guidance on how penalties will be applied, including criteria for breaches, calculation methods, enforcement processes, and support for PSOs to ensure fair and consistent implementation.

Transparency is necessary to assess the Regulation's effectiveness in reducing fire risk and ensuring safe disposal. The Scheme should make data available showing the proportion of battery product types in the Regulation that are not covered under the "brand owner" definition, along with the percentage of batteries disposed of in NSW that would fall outside the Regulation.

Recommendations:

- Require brand owners to report on recovery and reuse arrangements, consistent with PSOs.
- Review the exemption threshold periodically to ensure small suppliers do not collectively undermine the scheme.
- Include battery type (not only weight/quantity) in reporting.
- Clarify performance indicators and review processes prior to scheme commencement.

5. The proposed implementation timelines

5.1 Implementation Timeframes

WSROC supports the proposed commencement timeline, noting the urgency of addressing battery fire risks. However, timely implementation must not compromise scheme quality or consumer confidence. The implementation of the scheme must be adequately supported despite the ambitious mid-2026 timeframe. Sufficient resources, staffing, guidance, and infrastructure should be in place to ensure the scheme operates effectively and maintains public confidence.

Recommendations:

- Prioritise early infrastructure rollout and community access.
- Ensure the scheme is well-supported despite the tight timeframe.

6. Conclusion

WSROC strongly supports the introduction of the Product Lifecycle Responsibility Regulation for batteries and considers it an essential measure to improve safety, reduce fire risks and advance the transition to a circular economy in NSW. Expanding the scope to include embedded batteries, ensuring robust and equitable regulatory coverage, and embedding well-funded public education are critical to the scheme's success.

WSROC welcomes continued collaboration with the NSW EPA in the finalisation and implementation of the Regulation.

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