

# Application for authorisation

## PARTIES TO THE PROPOSED CONDUCT

### 1 Details of the applicants for authorisation

#### 1.1 Name, address, telephone number and ACN

Tyre Stewardship Australia Limited (ACN 164 971 939) (**TSA**)

- Address: 2/59 Keele Street, Collingwood VIC 3066
- Telephone: 03 9077 2791
- Registered office: MGI Joyce Dickson, Level 1, 65 Canberra Avenue, Griffith ACT 2603

#### 1.2 TSA Contacts

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#### 1.3 Description of business activities

TSA is a not-for-profit company limited by guarantee which was incorporated for the purposes of:

- implementing the Tyre Product Stewardship Scheme (**Scheme**);

- administering the accreditation of participants in the Scheme;
- monitoring, auditing and reporting on the development of the Scheme;
- undertaking education, awareness and information activities to promote the scheme and the value of end-of-life tyres utilisation; and
- contributing to technology and market development activities that are consistent with goal of increased utilisation of end-of-life tyres.

#### 1.4 Email address for service of documents in Australia.

[Ben.Hamilton@hallandwilcox.com.au](mailto:Ben.Hamilton@hallandwilcox.com.au)

## 2 Details of the other persons and/or classes of persons who also propose to engage, or become engaged, in the proposed conduct and on whose behalf authorisation is sought.

A list of the organisations who are presently members of the Scheme is attached at Annexure 1.

In addition, please refer to the categories of members as listed in the Scheme Guidelines (**Guidelines**), attached at Annexure 2.

## THE PROPOSED CONDUCT

### 3 Details of the proposed conduct

#### 3.1 Description of the proposed conduct and any documents that detail the terms of the proposed conduct

TSA administers the Scheme in accordance with the Guidelines (see Annexure 2), which apply to all participants accredited by ACCC under the Scheme (**Participants**) and detail the terms of the proposed conduct.

For further details, refer to the table at 3.2 below the submissions in support of authorisation (**Submissions**), attached at Annexure 3.

#### 3.2 Relevant provisions of the Competition and Consumer Act 2010 (Cth) (the Act) to which the proposed conduct would or might apply

TSA seeks authorisation in relation to the following provisions of the Guidelines to the extent the conduct engaged with pursuant to these provisions of the Guidelines may constitute a breach of the provisions of the Act outlined in the table below.

Guidelines Reference	Conduct or provisions requiring Authorisation	Provision of the Act
<b>General commitments for all Participants (Part</b>	<ul style="list-style-type: none"> <li>• Enterprise to enterprise agreements in furtherance of Participants' general and</li> </ul>	Cartels (s 44ZZRD; 44ZZRF; 44ZZRG)

<b>A, Section 3)</b>	specific commitments	Exclusive dealing (s47) Anti-competitive agreements (s 45)
<b>Funding (Part A, section 4.3); Tyre importers and vehicle manufacturers - Specific commitments (Part C, section 1.2); Miners - Specific commitments (Part 1, section 1.2)</b>	<ul style="list-style-type: none"> <li>Imposition of a levy on tyre importers, vehicle manufacturers and miners, of a minimum of \$0.25 per EPU imported into Australia</li> </ul>	Cartels (s 44ZZRD; 44ZZRF; 44ZZRG) Anti-competitive agreements (s 45)
<b>Market development and research (Part A, Section 4.4)</b>	<ul style="list-style-type: none"> <li>Allocation of levy funds to support initiatives and projects regarding the use and disposal of EOLTs</li> </ul>	Anti-competitive agreements (s 45)
<b>Application and accreditation process (Part A, Section 5.1)</b>	<ul style="list-style-type: none"> <li>Accreditation of Participants on the basis of a: <ul style="list-style-type: none"> <li>current capacity to meet the general and specific commitments under the Scheme; or</li> <li>demonstrated capacity to meet the general and specific commitments under the Scheme</li> </ul> </li> </ul>	Cartels (s 44ZZRD; 44ZZRF; 44ZZRG) Anti-competitive agreements (s 45)
<b>Enforcement - Suspension and revocation of accreditation (Part A, Section 5.3)</b>	<ul style="list-style-type: none"> <li>Suspension or revocation (for a period of 12 months) for Participant non-compliance with general and/or specific commitments under the Scheme</li> </ul>	Cartels (s 44ZZRD; 44ZZRF; 44ZZRG) Anti-competitive agreements (s 45)
<b>Retailers - Specific commitments (Part D, Section 1.2)</b>	<ul style="list-style-type: none"> <li>Retailers to prioritise dealings with accredited tyre importers</li> <li>Retailers to deal only with collectors and recyclers accredited by TSA when disposing of EOLTs</li> </ul>	Cartels (s 44ZZRD; 44ZZRF; 44ZZRG) Exclusive dealing (s47)
<b>Fleet operators - Specific commitments (Part E, Section 1.2)</b>	<ul style="list-style-type: none"> <li>Fleet operators to prioritise dealings with accredited tyre importers</li> <li>Fleet operators to deal only with retailers accredited by TSA when disposing of EOLTs</li> </ul>	Cartels (s 44ZZRD; 44ZZRF; 44ZZRG) Exclusive dealing (s47)
<b>Local Government - Specific commitments (Part F, Section 1.2)</b>	<ul style="list-style-type: none"> <li>Local governments to deal only with accredited retailers when replacing the EOLTs generated by their fleets</li> <li>Local government to deal only with collectors and recyclers accredited by TSA when disposing of EOLTs</li> </ul>	Cartels (s 44ZZRD; 44ZZRF; 44ZZRG) Exclusive dealing (s47)

<b>Collectors - Specific commitments (Part G, Section 1.2)</b>	<ul style="list-style-type: none"> <li>Collectors to ensure all EOLTs collected from retail and other outlets are passed on to accredited recyclers</li> </ul>	Cartels (s 44ZZRD; 44ZZRF; 44ZZRG) Exclusive dealing (s47)
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### **3.3 Rationale for the proposed conduct**

Refer to sections 1, 23 and 24 of the Submissions.

### **3.4 Term of authorisation sought and reasons for seeking this period.**

10 years. Refer to sections 1 and 4 to 18 of the Submissions.

## **4 Documents submitted to the applicant's board or prepared by or for the applicant's senior management for purposes of assessing or making a decision in relation to the proposed conduct and any minutes or record of the decision made.**

Attached at Annexure 4 are:

- Redacted draft minutes of the TSA Board meeting held on 10 November 2017. These minutes will not be finalised until the next Board meeting held in December.
- The following Board papers circulated to TSA's directors in anticipation of the Board meeting on 10 November 2017:
  - Draft submissions in support of application for authorisation.
  - Draft Guidelines.

## **5 Persons or classes of persons, who may be directly impacted by the proposed conduct.**

Refer to section 21 to 24 of the Submissions.

## **MARKET INFORMATION AND CONCENTRATION**

### **6 Products and/or services, and the geographic areas, supplied by the applicants**

Refer to sections 20 and 21 of the Submissions.

### **7 Relevant industry or industries**

Refer to section 21 of the Submissions.

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**8 Estimated market shares for each of the parties**

Refer to section 21 of the Submissions.

**9 Competitive constraints on the parties to the proposed conduct**

Refer to section 21 of the Submissions.

**PUBLIC BENEFIT**

**10 Public benefits that are likely to result from the proposed conduct.**

Refer to section 24 of the Submissions.

**PUBLIC DETRIMENT (INCLUDING LIKELY COMPETITIVE EFFECTS)**

**11 Detriments to the public likely to result from the proposed conduct**

Refer to section 23 of the Submissions.

**CONTACT DETAILS OF RELEVANT MARKET PARTICIPANTS**

**12 Contact details for likely interested parties**

Contact details for likely interested parties are attached at Annexure 5.

**ADDITIONAL INFORMATION**

**13 Additional information/documents**

Refer to the Submissions.

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The undersigned declares that, to the best of their knowledge and belief, the information given in response to questions in this form is true, correct and complete, that complete copies of documents required by this form have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere.

The undersigned undertakes to advise the ACCC immediately of any material change in circumstances relating to the application.

The undersigned is aware of the provisions of sections 137.1 and 149.1 of the *Criminal Code* (Cth).



.....  
**Dale Gilson**  
Chief Executive Officer  
Tyre Stewardship Australia Limited

Dated: 4th December 2017

Tyre Stewardship Australia - Annexure 1 - TSA Member Contact Details

<b>TSA Member</b>	<b>Description of business activities</b>	<b>Contact</b>	<b>Position &amp; Comment</b>						
Bridgestone Australia Ltd	Tyre manufacturing, importing and retail	Andrew Moffat	Managing Director						
Michelin Australia	Tyre importing and distribution	Justin Siebert	Business Controller - Asia Pacific						
Yokohama Tyre Australia Pty Ltd	Tyre importing and distribution	Steve Clifford	Past CEO now is retired but is their delegate						
Goodyear & Dunlop Tyre (Aust) Pty Ltd	Importing and retail of tyres	Alan Sutton	National Customer Engineering Manager (Aust)						
Toyo Tyre & Rubber Australia Limited	Tyre manufacturing	Michael Rudd	Managing Director & CEO						
Kumho Tyre Australia Pty Ltd	Tyre manufacturing and importing	KM Choe	Managing Director						
Continental Tyres of Australia Pty Ltd	Tyre manufacturing	Sebastien Vanderperre	CEO						
Pirelli Tyres Australia	Tyre manufacturing	Laurent Cabassu	CEO						
Tyrepower Ltd	Tyre retailer	David Wilson	CEO						
Australian Tyre Recycling Association (ATRA)	Industry body representing interests of the tyre recyclers and collectors	Rob Kelman	Executive Officer or Jim Fairweather - Chair						
Motor Trades Association of Australia (MTAA)	Industry body representing the interests of automotive business in retail, service and repair sectors	Lawrie De La Rue	Lawrie is the nominated representative for the MTAA,						

# **GUIDELINES FOR THE TYRE PRODUCT STEWARDSHIP SCHEME**

**3 May 2018**

## **Status of this document**

These Guidelines were initially developed at the inception of the Scheme by an industry-government working group and have been further amended by Tyre Stewardship Australia.

These Guidelines will continue to be implemented by Tyre Stewardship Australia (**TSA**), a not-for-profit company limited by guarantee.

The wording of this document has been prepared by TSA.



## About this document

This document was approved by TSA on 10 November 2017.

This document provides comprehensive information about the Scheme and sets out the commitments that Participants are required to meet. The document also provides advice to clarify the Scheme's requirements and enable businesses and organisations to make informed decisions on whether to apply to be a Participant. The document also helps businesses and organisations to identify any preparations they need to make before they apply.

This document takes the form of a manual, designed to direct businesses and organisations to the parts most relevant to them:

**Parts A and B** applies to all Participants in the Scheme.

Part A outlines the operation of the Tyre Product Stewardship Scheme (**the Scheme**), how the Scheme works, as well as its objectives, principles and scope. It also includes the general commitments that apply to all Participants in the Scheme and describes how the Scheme is administered and performance is measured.

Part B sets out the requirements that apply to the use of the Scheme's logo. All Participants in the Scheme need to comply with these requirements.

**Parts C to I** set out the specific commitments that apply to each category of Participants in the Scheme:

Part C – Tyre importers and vehicle manufacturers and importers

Part D – Retailers

Part E – Fleet operators

Part F – Local governments

Part G – Collectors

Part H – Recyclers

Part I – Miners

TSA will continue to categorise, monitor and adjust Participant categories as required by the Scheme.

Parts C to I include advice on:

- what a business or organisation needs to do to meet the commitments that apply to them, and
- the types of documentation and data that the Scheme requires for different purposes such as reporting and audits.

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## Glossary and acronyms

For the purposes of this document:

**Accreditation** means recognition by Tyre Stewardship Australia (TSA) that a business or organisation has made a commitment to, and meets the requirements of, the Scheme.

**Action Plan** means the timeline and the steps that the applicant proposes to undertake to meet the commitments of the Category/ies nominated by the applicant. This includes how the applicant will promote participation in the Scheme to businesses and other organisations.

**Applicant** means a business or organisation that is a legal entity with an ABN or ACN and has applied to become a Participant.

**Authorised Signatory** is an individual who is authorised to execute a binding document on behalf of a business or organisation.

**Baler** – means an individual, business or organisation that compacts end-of-life tyres into dense bales for the purposes of aggregation and transport. Balers may bale tyres for transport within Australia or to overseas destinations for further reprocessing. For the purposes of TSA participant categories, a baler is classified as a Collector.

**Collector** means an individual, business or organisation that collects and/or transports end-of-life tyres in any part of Australia for recycling, reuse or disposal. For the purposes of the Scheme, a transporter is a collector.

**Consumer** means the final purchaser of a tyre. As the owner, a Consumer shares responsibility for the appropriate disposal of a tyre when it reaches its end of life.

**Direct incineration** of tyres means the incineration of tyres for disposal and without effective energy recovery.

**Down Stream Vendor (DSV)** – means an individual, business or organisation that processes output (in the form of EOLTs) from Australian tyre recyclers and/or collectors. A DSV is usually the last facility to reprocess an EOLT.

**End-of-life tyre (EOLT)** means a tyre that is deemed no longer capable of performing the function for which it was originally made.

**Environmentally sound use** means the use of whole, part or recovered components of EOLTs for applications that minimise or prevent environmental, health and safety damage or harm. Further guidance on this definition is provided in section 1.1 of Part A of the Guidelines.

**Equivalent Passenger Unit (EPU)** means a standardised measure for the quantity of tyres. One EPU contains as much rubber and other materials as a ‘typical’ passenger tyre. For the purposes of this Scheme, the assumed weight of one new EPU is taken to be 9.5 kg and one

end-of-life EPU is taken to be 8 kg. Appendix 1 provides the list of EPU ratios for different types of tyres that apply for the purposes of reporting by tyre importers under the Scheme and the list of ratios that apply for reporting by tyre recyclers under the Scheme.

**Export** means export from Australia.

**FCAI** means the Federal Chamber of Automotive Industries.

**Fleet operator** is an entity that owns or operates a fleet of vehicles, including private and Australian and state and territory government fleet operators.

**Gate fee**, see **Recycling gate fee**.

**Import** means import into Australia, and includes bring into Australia.

**Landfill** means waste disposal sites used for the authorised deposit of solid waste onto or into land.

**Local government** is a government entity with powers and geographical distribution established by a state or the Northern Territory. A 'Local government' can also be referred to as a local council, city, shire, town or municipality. See also advice on the Australian Capital Territory on page 71.

**Miners** mean businesses or organisations that are engaged in the exploration for, and extraction and primary processing of, minerals in Australia, including coal and petroleum. Primary processing is taken to include the processing of minerals up to the first pouring of refined metal but fabrication beyond that stage is excluded.

**Non-motorised trailer** means a trailer, vehicle, caravan or camper towed behind a motorised vehicle.

**Off-the-road (OTR)** means tyres for mining sites and heavy industry applications.

**Participant** means a business or organisation that has received accreditation from Tyre Stewardship Australia and made a commitment to meet the requirements of the Scheme.

**Product stewardship** means a policy approach recognising that manufacturers, importers, retailers, governments and other persons have a shared responsibility for the environmental impacts of a product throughout its full life cycle. A product stewardship scheme establishes a means for relevant parties in the product chain to share responsibility for the products they produce, handle, purchase, use and discard.

**Recycle** means a process to recover constituent materials from end-of-life tyres and use those materials to produce other products.

**Recycler**, see **Tyre recycler**.

**Recycling fee** means the money that is paid when end-of-life tyres change hands in the supply chain and covers the costs associated with activities such as handling, storage, transport and recycling.

**Recycling gate fee** means the money paid to a tyre recycler to ensure the environmentally sound use of EOLTs.

**Related bodies corporate** mean the same as the definition in section 50 of the *Corporations Act 2001*<sup>1</sup>:

‘Where a body corporate is:

- (a) a holding company of another body corporate; or
- (b) a subsidiary of another body corporate; or
- (c) a subsidiary of a holding company of another body corporate;

the first-mentioned body and the other body are related to each other’.

**Resource recovery** means the process of extracting materials or energy from a waste stream through reuse, recycling or recovering energy from waste.

**Retailer** means a business or organisation that offers products for sale at retail through any means, including sales outlets, catalogues, or the Internet. For the purposes of the Scheme, a tyre retreader is a retailer.

**Retreader** means an entity that gives new tread to a tyre. For the purposes of the Scheme, a tyre retreader is a Retailer.

**Re-use** means to use a collected tyre for the same or similar purpose as the original purpose without subjecting the tyre to a manufacturing process that would change its physical appearance.

**Scheme** means the Tyre Product Stewardship scheme administered by TSA, being the arrangement between parties in the tyre supply chain to share responsibility for the long term management of end-of-life tyres in Australia, as set out in this document.

**Transporter**, see **Collector**

**Tyre** means a vulcanised rubber product designed to be fitted to a wheel for use on, or already fitted to, motorised vehicles and non-motorised trailers towed behind motorised vehicles. For the purposes of these Guidelines, ‘tyre’ includes, but is not limited to, a tyre for motorcycles, passenger cars, box trailers, caravans, light commercial vehicles, trucks and truck trailers, buses, mining and earth moving vehicles, cranes, excavators, graders, farm machinery, and forklifts.

**Tyre derived fuel** is a fuel derived from end-of-life tyres and includes whole and shredded tyres used for this purpose.

**Tyre derived product (TDP)** means any product produced from rubber, steel, textile or other material recovered from recycling EOLTs.

**Tyre importers and vehicle manufacturers and importers** means businesses or organisations that are engaged in tyre importing, vehicle importing or vehicle manufacturing and are first to supply a tyre to the domestic Australian market.

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<sup>1</sup> Refer to the *Corporations Act 2001* for further detail.

**Tyre Stewardship Australia (TSA)** means the entity created to administer the Scheme.

**Tyre recycler** means a business or organisation recovering rubber, steel, textile and/or other materials and processing it into a form whereby it can be used as an intermediate product in the manufacture of TDPs, or to recover energy from end-of-life tyres.

## **PART A – THE SCHEME AND GENERAL COMMITMENTS**

**PLEASE NOTE:**

Participation in the Scheme is voluntary.

A business or organisation that joins the Scheme is required to comply with commitments that apply to them.

The commitments are set out in these Guidelines:

- **Parts A and B** set out the general commitments.

All Participants are required to comply with the general commitments in Parts A and B.

- **Parts C to I** set out the specific commitments that apply to different types of Participants.

Participants are required to comply with at least one of the parts in Parts C to I.



# 1. The Scheme

## 1.1 Introduction

Tyre Stewardship Australia Limited (TSA) is a not-for-profit company limited by guarantee, established to deliver the Scheme. The aim of the Scheme is to reduce the amount of EOLTs negatively impacting the environment via landfill, illegal dumping or undesirable export while increasing the recycling rate of end of life tyres.

In 2015-16, Australia generated some 447,000 tonnes or 56.3 million EPUs (equivalent passenger units) of EOLTs, an increase of 16% since data collection began in 2009-10<sup>2</sup>.

A significant number of Australia's EOLTs are currently disposed of through landfill, exported, stockpiled, illegally dumped or have an unknown fate. Only a small proportion of EOLTs are recycled or used as a fuel for energy in Australia. The export of EOLTs in particular has risen dramatically in recent years. Available evidence suggests that some exported tyres are primarily burned for fuel in an environmentally unsustainable fashion.

Disposal through landfill, dumping or export of baled tyres represents the loss of a valuable resource. EOLTs and TDPs can be put to environmentally sound use in many ways including the manufacture of new rubber products, as a constituent in asphalt roads and in surfaces such as sporting fields and playgrounds. They are also valuable as a fuel source when incinerated under the right conditions for industries such as producers of energy and cement and as a substitute for diesel in explosives.

When EOLTs are put to environmentally sound use they: reduce the demand for virgin materials in the production of goods and energy; reduce pressure on landfill space and improve the amenity of the land; reduce the risk of fire and other health risks and support the resources recovery and recycling industry.

### **Environmentally sound use –**

For the purposes of the Scheme environmentally sound use includes:

- (i) recycling into tyre crumb, shred, chips, granules, steel and other tyre components;
- (ii) use as a fuel (other than in direct incineration without effective energy recovery and unsustainable burning for energy recovery) or other means to generate energy;
- (iii) production of TDPs, including tyre derived fuel;
- (iv) civil engineering.

The following uses are excluded from the definition of environmentally sound use:

- (v) disposal through dumping, landfill, direct incineration or burning;
- (vi) stockpiling as an end point;
- (vii) unsustainable burning for energy recovery
- (viii) export of baled tyres for operations listed under (v), (vi) and (vii) above.

<sup>2</sup> Randell 2017, *Final National market development strategy for used tyres 2017-2022*, page vii

Despite the benefits, increased tyre recycling and resource recovery is constrained by:

- the need to develop viable markets for the environmentally sound use of EOLTs and TDPs;
- limited, and geographically concentrated, tyre recycling infrastructure;
- low aggregated volumes of tyres in remote and regional areas and high cost of collection in such areas;
- lack of standards for the use of EOLTs and TDPs in a range of areas, including in roads and other infrastructure projects;
- the high costs of processing tyres to create TDP to sell to market
- demand for baled tyres from international energy markets, and
- regulatory regimes governing the handling of EOLTs that are inconsistent between Australian jurisdictions.

In recognition of these potential benefits and constraints the Environment Protection and Heritage Council<sup>3</sup> agreed, in November 2009, to work with the tyre industry on the establishment of a voluntary industry-led product stewardship scheme for EOLTs. The development of a product stewardship initiative was to assist in overcoming impediments to markets for EOLTs and TDPs and to gain more value from the EOLTs generated in Australia each year.

Industry and government worked together to develop a model scheme that was considered by the Council of Australian Governments (COAG) Standing Council on Environment Water in September 2011. Environment ministers continued to support the work and encouraged further consultation with the broad range of stakeholders during the completion of the guidelines. The scheme that is detailed in this document is an outcome of that work, incorporating the input from stakeholders.

The expectation is that the Scheme will be put forward for accreditation under the voluntary product stewardship arrangements of the *Product Stewardship Act 2011*. This legislation provides the framework to effectively manage the environmental, health and safety impacts of products, and in particular those impacts associated with the disposal of products. The framework includes voluntary, co-regulatory and mandatory product stewardship.

**Voluntary** accreditation of schemes encourages product stewardship without the need for regulation and provides the community with certainty that accredited schemes are actually achieving what they claim. Product stewardship organisations that are accredited under the legislation must meet specific requirements that ensure they carry out their activities in a transparent and accountable manner.<sup>4</sup>

**Co-regulatory** product stewardship schemes are delivered by industry and regulated by the Australian Government. **Mandatory** product stewardship would place a legal obligation on parties to take certain actions in relation to a product.

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<sup>3</sup> The Environment Protection and Heritage Council (EPHC) consisted of environment ministers representing Australian governments. It reported to COAG. In September 2011, the EPHC was replaced by the Standing Council on Environment and Water (SCEW) which also reports to COAG.

<sup>4</sup> Fact sheet on the *Product Stewardship Act 2011*, sourced from <http://www.environment.gov.au/settlements/waste/product-stewardship/legislation/index.html>

## 1.2 About the Scheme

The Scheme is designed to increase resource recovery and recycling and to minimise the environmental, health and safety impacts of all EOLTs generated in Australia; and develop Australia's tyre recycling industry and markets for TDPs.

TSA is responsible for administering the Scheme and for working to remove impediments to the development of a sustainable domestic tyre recycling industry.

The corporate objects of TSA are to:

- implement the Scheme for EOLTs;
- administer the accreditation of Participants in the Scheme;
- monitor, audit and report on the development of the Scheme;
- undertake education, awareness and information activities to promote the Scheme and the value of EOLT utilisation;
- contribute to technology and market development activities that are consistent with the goal of increased utilisation of EOLTs;
- pro-actively invest in research and development projects, skills development, national outreach and international engagement for the benefit of the Australian community and the Australian public at large;
- advance and accelerate innovative technologies in Australia by supporting focused collaborative research in high priority technologies;
- retain local expertise in, and attract international expertise to, Australia;
- support growth in skills and capacity in Australian technologies for the domestic and international markets;
- engage with government, industry and the community in promoting, developing and implementing EOLT technologies and the interests of the Australian research and development community;
- provide a forum to discuss ideas and promote multidisciplinary research and institutional collaboration.

Consistent with these objects, the Scheme is administered as follows:

- Participants to the Scheme are required to adhere to a series of general and specific commitments in ensuring that EOLTs are disposed of in a manner that constitutes an environmentally sound use, as a condition of accreditation under the Scheme
- Participants' compliance with the commitments is enforced via a regime of random and risk based audits; failure to adhere to the commitments may lead to revocation or suspension of a Participant's accreditation.
- Participants are required to deal only with other accredited Participants, or otherwise to enter into enterprise to enterprise agreements or contractual arrangements which give effect to the general commitments and the object of the Scheme

- Levies collected pursuant to the Scheme are utilised by the TSA to support the activities of the Scheme and are applied to research and development for new technologies and market development which further the purposes of the Scheme, and
- The efficiency of the Scheme is measured and reported on annually

### **1.3 Benefits**

The Scheme is designed to deliver a range of benefits for individual Participants, the tyre industry as a whole and for the community.

These benefits include:

- increased use of a resource stream currently being disposed of as waste
- reduction in the number of tyres not going to an environmentally sound use
- an enhanced Australian recycling industry and sustainable markets for EOLTs and TDPs
- increased capacity to handle EOLTs in Australia
- creation of new markets for EOLTs and TDPs through research and development
- an improved business environment particularly for tyre collectors and recyclers
- increased consumer awareness of the impacts of EOLT disposal, and
- enhanced credibility for the tyre industry through demonstrated leadership in environmental management and adoption of corporate social responsibility strategies.

### **1.4 Commencement, duration and review**

The Scheme was first authorised on 3 May 2013 and officially came into operation on 20 January 2014.

The Scheme was independently reviewed in April 2017. It is expected that the Scheme, in the form contained within these Guidelines, will continue to operate for at least a further 10 years.

A further review of the efficiencies and operations of the Scheme will be undertaken in or around 2022 and again in or around 2026.

## **2. Objectives, principles and scope**

### **2.1 Objectives**

The objectives of the Scheme are to:

- increase resource recovery and recycling and minimise the environmental, health and safety impacts of EOLTs generated in Australia, and
- develop Australia's tyre recycling industry and markets for TDPs.

### **2.2 Principles**

The Scheme:

- is industry-led
- is operated by an independent company limited by guarantee, TSA.

- acknowledges the inherent value of all EOLTs across Australia
- recognises that there is a cost associated with ensuring the environmentally sound use of EOLTs
- is committed to market based solutions for environmentally sound EOLT management
- is committed to achieving the highest value end use possible for EOLTs in accordance with the waste management hierarchy (see Section 2.3)
- complements relevant policies and legislation and supports compliance with relevant laws and practices, including those that apply to the environment and occupational health and safety, and
- is appropriately resourced and empowered to deliver its objectives according to agreed timeframes.

### **Promotion of the Scheme**

TSA promotes the Scheme to the tyre industry and the public for the purposes of increasing awareness of the impacts of EOLT disposal and encouraging participation in the Scheme.

TSA's website lists accredited Participants, including information on the benefits of the Scheme, and provides an easy and accessible online accreditation and reporting portal.

## **EOLT collection and recycling costs**

As stated in the principles of the Scheme (Section 2.2) there is a cost associated with ensuring the environmentally sound use of EOLTs. It is expected that this cost will be reflected primarily in charges imposed on consumers by tyre retailers when they assume responsibility for the appropriate management of consumers' EOLTs. It is expected that retailers will compete to provide an environmentally sound tyre disposal service at the lowest possible price, thereby minimising the cost to consumers.

It is also expected that, over time, investment by TSA in the domestic markets for TDPs and research into other impediments to resource recovery and recycling will reduce the cost to consumers of ensuring the environmentally sound use of EOLTs.

## **2.3 Waste hierarchy**

The Scheme is consistent with the 'waste hierarchy' of strategies for dealing with waste. The waste hierarchy is referenced in many Australian jurisdictions' legislative and policy instruments that protect the environment and conserve resources.

For instance re-use through retreading of tyres is consistent with the objectives of the Scheme as it extends the life of tyres and delays their entry into the waste stream. There are no requirements imposed by the Scheme in relation to the retreading of tyres. Recycling and energy recovery (apart from direct incineration without effective energy recovery and unsustainable burning for energy recovery) are included in the definition of environmentally sound use. Disposal through dumping, landfill, direct incineration or burning are excluded in the definition of environmentally sound use.



Source: *National Waste Report 2010, Environment Protection and Heritage Council and the Department of Environment, Water, Heritage and the Arts, 2010, p.21*

## **2.4 Scope**

The Scheme is national in scope. The Scheme applies to tyres that are loose replacements for use on, or already fitted to, motorised vehicles and non-motorised trailers towed behind motorised vehicles. The Scheme applies to tyres for motorcycles, passenger cars, box truck trailers, buses, mining and earth moving vehicles, cranes, excavators, graders, farm machinery, and forklifts.

## **Retreaded and off the road tyres**

### *Retreaded tyres*

The retreading of tyres is consistent with the objectives of the Scheme. Retreading extends the life of tyres and delays their entry into the waste stream. There are no fees or charges imposed by the Scheme in relation to the retreading of tyres.

For the purposes of the Scheme, retreaders are considered to be retailers.

### *Off the road tyres*

Off the road tyres (**OTRs**), including those used in agriculture and mining, constitute a significant portion of the the total annual consumption of tyres in Australia each year and are included within the scope of the Scheme<sup>5</sup>. For OTRs, the key element of the Scheme is an investment in overcoming impediments to resource recovery and recycling. The Scheme acknowledges the geographic barriers to recycling OTR tyres in Australia, the need for specialised recycling equipment and the need to stimulate markets for TDPs.

## **2.5 Performance measures and aspirational targets**

The effectiveness of the Scheme in achieving its objectives is to be measured as follows, by reference to the following aspirational targets:

- The number of Participants in the Scheme increases as follows:
  - The percentage of tyre importers that are participants/members in the scheme increases to 75% by 2020, 85% by 2023 and 90% by 2028 (measured as market share of total tyre imports).
  - The percentage of vehicle manufacturers/ importers that are participants/members in the scheme increases to 50% by 2020, 75% by 2023 and 90% by 2028 (measured as market share of total new vehicle sales).
  - The percentage of tyre retailers that are participants/members in the scheme increases to 65% by 2020, 75% by 2023 and 90% by 2028 (measured as market share of total tyre sales).
  - The percentage of tyre recyclers that are participants in the scheme increases to 80% by 2020, 85% by 2023 and 95% by 2028 (measured as market share of end of life tyres).
- The volume of EOLTs collected by TSA accredited participants, or accounted for over time, increases annually.
- The volume of EOLTs exported via TSA accredited tyre recyclers and collectors that have been verified as going to environmentally sound use increases annually.
- The percentage of end of life tyres that are going to an environmentally sound use increases to 50% by 2020, 75% by 2023 and 90% by 2028.
- Users seeking accreditation through the TSA website and general website traffic increases annually
- The potential market demand for Australian TDPs associated with market development activities promoted, funded and/or supported by TSA increases annually.

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<sup>5</sup> Hyder May 2012, Final report, Study into the domestic and international fate of end-of-life tyres, page ii

TSA publishes reports on the progress of the Scheme having regard to these performance measures on the TSA website on an annual basis.



### **3. General commitments for all participants**

This section sets out the general commitments that apply to all Participants. In addition, Participants are also required to meet the specific commitments set out in Parts C to I, as applicable according to their Participant category.

#### **3.1 General commitments**

All Participants in the Scheme must commit to:

- support the objectives of the Scheme;
- deal transparently and ethically with others involved in the tyre supply chain, including consumers;
- promote the Scheme to the community, other businesses and organisations, as directed by TSA.
- use the Scheme's branding and logo and adhere to the conditions that apply to that use, as directed by TSA.
- comply with relevant laws and practices, including those that apply to the environment and occupational health and safety; and
- co-operate with audits, provision of required documents and undertake surveys as directed by TSA.
- report requested data to TSA as directed by TSA.

All Participants in the Scheme must also commit to contribute to:

- the environmentally sound use of EOLTs;
- elimination of the inappropriate export of baled tyres from Australia;
- elimination of the illegal dumping of EOLTs;
- elimination of disposal of EOLTs to landfill (except where no viable alternative is available and subject to state and territory legislation; for example, in rural and remote areas where appropriate recycling facilities are not available, or transportation costs are prohibitive).

#### **Rural and remote areas**

TSA will collaborate with other product stewardship schemes and industry in rural and remote areas from time to time.

The Scheme is designed to operate nationally. It is recognised that in some rural and remote areas where the availability of accredited collectors and recyclers is limited, it may take more time to increase recycling rates than in metropolitan areas.

In assessing compliance of Participants located in rural and remote areas, TSA may take into account the capabilities and requirements of such Participants, including barriers to accessing accredited collectors and/or retailers (if any).

## **Enterprise to enterprise agreements and other forms of contractual arrangements**

Participants in the Scheme can be confident of meeting their commitments on an ongoing basis and maintaining their accreditation if they formalise their relationships with other Participants through enterprise to enterprise agreements or other contractual arrangements regarding the disposal of EOLTs.

Such agreements and contracts play an important role in the implementation of the Scheme. They assist to ensure that EOLTs are handled, collected, transported, stored and reused or recycled in accordance with the objectives of the Scheme. They also provide a means of addressing key barriers to the product stewardship of tyres by:

- requiring the appropriate disposal of EOLTs to accredited recyclers, thereby helping to address the inappropriate disposal of tyres, and
- ensuring compliance with existing regulatory controls under relevant Commonwealth and State legislation and local by-laws.

### **3.2 Participants with multiple roles**

Where an Applicant meets the definition for more than one category of Participant, the following requirements apply:

- a) An Applicant who meets the definition of ‘tyre importers and vehicle manufacturers and importers’ is required to submit an application to be a Participant in that category. This requirement applies to businesses and organisations whose business activities include, but are not limited to, the import of tyres into Australia, the manufacture of vehicles in Australia or the import of vehicles into Australia.
- b) An Applicant who satisfies the definitions of both ‘tyre recycler’ and ‘collector’ is required to seeking accreditation for both these Participant categories.
- c) Local governments are encouraged to seek accreditation under the ‘local government’ category as operators of vehicles, and to take responsibility for the environmentally sound use of the EOLTs generated through their own operations.
- d) Local governments are also acknowledged to be legal landfill managers and often act as custodians of illegally dumped EOLTs. Australian and state and territory government agencies are encouraged to seek accreditation as ‘Fleet operators’ if they own or operate vehicle fleets, and to take responsibility for the environmentally sound use of the EOLTs they generate.

## **4. Administration of the Scheme**

### **4.1 Governance - TSA**

TSA has been established to administer the Scheme. As set out in section 1.2 of the Guidelines, the principal corporate object of TSA are to:

- implement the Scheme;
- administer the accreditation of Participants in the Scheme;
- monitor, audit and report on the development of the Scheme;

- undertake education, awareness and information activities to promote the Scheme and the value of EOLT utilisation; and
- support market development and research in the field of EOLT utilisation for the benefit of industry.

TSA is a public company limited by guarantee. The Constitution of TSA requires the Board to consist of:

- a. A minimum of 4 and up to 5 representatives of member organisations involved in the importation of tyres into Australia as elected by the Members.
- b. A minimum of 1 and up to 2 representatives from the tyre recycling industry with suitable knowledge and experiences as elected by the Members.
- c. A minimum of 1 and up to 2 representatives from the tyre retail industry with suitable knowledge and experience as elected by the Members.
- d. At least 2 and up to 3 Independent Directors as mutually agreed by a majority of the Directors.

The Chairperson of the Board is required to be one of the Independent Directors.

TSA may from time to time establish advisory committees to provide specialist or expert advice to the Board.

Full details of governance arrangements are set out in TSA's Constitution and the governance policies published on the TSA website.

## **4.2 Strategy for handling EOLTs**

TSA is also responsible for developing and implementing the strategy to facilitate the widest possible adoption of the Scheme. TSA will consult with stakeholders on the development of this strategy. As key elements of this strategy, TSA:

- tailors its activities and investment strategies to ensure increased recycling and resource recovery on a local, regional and national basis, in recognition of the unique geographical and regional challenges in Australia, and
- works with governments to remove impediments to the establishment of a sustainable domestic tyre recycling industry and markets for TDPs. This includes advocating for complementary measures by government to support the Scheme, such as developing sustainable government procurement policies for TDPs.

## **4.3 Funding**

TSA is funded by a levy imposed on tyre importers, vehicle manufacturers, and miners (voluntarily becoming Participants of the Scheme) at a rate proportional to the number of tyres imported into Australia, as set out in Part C and Part I of these Guidelines.

TSA applies funds raised in this manner to:

- organisational management costs
- implementation of its strategy for handling EOLTs

- administration of the Scheme, including costs associated with accreditation and audit of Participants and reporting
- promotion of the Scheme; and
- market development and research projects as outlined in section 4.4 below.

TSA publishes an annual report on its website detailing the application of levied funds.

#### **4.4 Market development and research funding**

On an annual basis, TSA allocates a portion of its levied funds to support initiatives and projects which:

- increase the consumption of Australian tyre-derived product from locally generated EOLTs;
- contribute to market development activities that are consistent with the goal of increased and enhanced utilisation of EOLTs; and
- support growth in skills, expertise and capacity in the Australian EOLTs and associated end user markets.

(collectively, **Funding Priorities**).

To be eligible to make an application for funding, an entity must:

- be an organisation, institution, authority or registered Australian business, that has the capability and capacity to undertake the project proposed in the application; and
- have ownership of, access to or the beneficial use of any background intellectual property necessary to carry out the project.

The process for making an application for funding is outlined on the TSA website.

All applications for funding are accepted and assessed by the Research Advisory Committee in accordance with objective criteria published on the TSA website.

This criteria will be determined by TSA from time to time in accordance with the commercial realities of EOLT disposal in an ever-adapting market. However, at all times, the criteria will be defined by reference to:

- the objectives of the Scheme as outlined in section 2.1;
- the Funding Priorities set out above; and
- ensuring an open, transparent and competitive process.

Grants of funding are ultimately determined by the TSA Board on the recommendation of the Research Advisory Committee.

#### **Research Advisory Committee:**

TSA convenes a Research Advisory Committee to provide advice and recommendations to the Board in relation to priority areas for research and assessments of proposals and applications for funding.

At least one TSA Board member will be represented on the Research Advisory Committee. The Board will determine the constitution of the Research Advisory Committee, to ensure the committee has an appropriate skill base.

#### **4.5 Protection of confidentiality and privacy**

In compliance with relevant legislation, TSA has measures in place to:

- protect the privacy of Applicants and Participants in the Scheme

- maintain the confidentiality of information obtained through the processes of verification and audit, and
- protect the privacy of parties involved with the processes involved with administering the Tyre Stewardship Research Fund and to maintain the confidentiality of all information acquired through those processes.

#### **4.6 Process for amendment of Guidelines**

This document may be amended from time to time by TSA.

For a major amendment, where there are potential impacts on Participants, a consultation process is to be undertaken with relevant stakeholders to the Scheme in relation to the proposed amendment and comments sought. The eventual amendment is to be announced on the Scheme website.

For a minor amendment, where there are no or minor potential impacts on Participants or other Scheme stakeholders, an announcement of the amendment may be made the Chief Executive Officer on the Scheme's website with the authority of TSA.

TSA's Board of Directors will determine whether an amendment is minor or major.

The TSA may not amend the objectives of Scheme.

## 5. Processes and compliance

### 5.1 Application and accreditation process

The application process for accreditation under the Scheme is outlined on the TSA website. Applicants are required to complete and submit an application form along with an 'Action Plan' which details how they will promote the Scheme and meet its general and specific commitments, including its arrangements for collection and recycling of EOLTs. If an Applicant fits into more than one Participant category, the Applicant must apply to all Participant categories that apply to that Applicant.

Upon completing and submitting the application form (either online or hard copy signed) the Authorised Signatory for the Applicant makes an organisational commitment to the Scheme and to compliance with these Guidelines.

TSA assesses the application/s and may contact the Applicant or third parties to verify information supplied in the application form. TSA will notify an Applicant in writing as to whether their application for accreditation has been accepted or rejected.

Applicants will be accredited on the basis of an assessment by TSA, to its satisfaction, as to whether:

- the Applicant demonstrates a current capacity to meet their general and specific commitments under the Scheme; or
- the Action Plan demonstrates that the Applicant will meet the general and specific commitments under the Scheme.

When an application is rejected, TSA may determine the timeline for the application to be re-submitted.

Refer to TSA website [www.tyrestewardship.org.au](http://www.tyrestewardship.org.au) for applications forms.

#### Guidance:

An Applicant can apply for accreditation in more than one category and, in some instances, will be required by TSA to apply for accreditation in more than one category. (See Section 3.2.)

It is acknowledged that, in local government areas, solid waste is often managed at a regional level. The Scheme allows for regional associations to apply on behalf of a number of local councils.

A full application, as described above, should be submitted for each category applied for.

## **5.2 Enforcement & Compliance**

Accredited Participants are expected to meet their general and specific obligations under the Scheme at all times. To ensure that this occurs, TSA:

- verifies information submitted by Applicants and conducts informal reviews of this information from time to time; and
- conducts audits of Participants' activities and processes.

Participants are required to inform TSA of any changes to their arrangements for the collection and recycling of EOLTs at the earliest opportunity. A Participant must also notify TSA immediately if it can no longer meet its general and specific commitments under the Scheme and may be required to withdraw from the Scheme.

### **5.2.1 Verification of information in applications**

TSA will make all reasonable efforts to verify information supplied by Applicants and Participants on an ongoing basis.

TSA contacts Applicants to verify the information provided in the application. Thereafter, TSA continues to verify this information either informally, or through the formal audit process outlined in section 5.2.2 below.

### **5.2.2 Audits**

TSA will from time to time undertake random and risk based audits of the activities of Participants to ensure compliance with the Scheme. Audits involve an assessment as to whether Participants are adhering to their general and specific commitments under the Scheme. A strong and well resourced audit regime is essential in order to protect the credibility of the Scheme and the interests of Participants.

The audit handbook provides more detail on how assessment of compliance with Scheme commitments is applied consistently to all Participants. Participants are required to cooperate with audits undertaken by the TSA as one of the general commitments under the Scheme.

A Participant who fails to cooperate with an audit will be asked to explain why their accreditation should not be revoked. If TSA, acting reasonably, determines that the Participant's explanation is either insufficient or inappropriate, TSA may suspend and/or revoke the Participant's accreditation.

#### *Participant cooperation*

During an audit, TSA may request access to key personnel and supporting documents that it deems necessary to substantiate the information provided by a Participant. Participants must facilitate the audit requirements in an effective and efficient manner. Failure to meet any of the audit requirements by a Participant may result in action that may include suspension or revocation of a Participant's accreditation.

The Participant is required to make reasonable arrangements to accommodate TSA's audit team during audits.

#### *Audit frequency*

The frequency of audits will be at the discretion of TSA.

#### *Confidentiality disclosure*



TSA will treat all information and documents obtained during an audit as confidential. Disclosure of sensitive audit findings and observations will be restricted to audit personnel and TSA senior management and will not be shared with other Participants or the public.

### **5.3 Enforcement - Suspension and Revocation of accreditation**

Where a Participant has breached the requirements of this document TSA, may:

- suspend a Participant's accreditation immediately by giving notice in writing; or;
- or revoke a Participant's accreditation by giving 30 days notice in writing.

Whilst a Participant's accreditation is suspended, TSA reserves the right to revoke the accreditation of a Participant if necessary.

Participants will first be provided with a reasonable opportunity to rectify the non-compliance. If the breach is not rectified within that period, TSA may elect to immediately suspend or revoke the Participant's accreditation.

Where a Participant's accreditation is suspended, the Participant does not need to re-apply again for accreditation. The Accreditation may be reinstated once TSA determines the compliance issue is resolved and TSA is satisfied there is evidence to support the re-statement of the accreditation.

Where Participant accreditation is revoked, the business or organisation can re-apply for accreditation after 12 months have elapsed

### **5.5 Resignation of a Participant**

A Participant may resign from the Scheme by giving 30 calendar days notice in writing to TSA.

A Participant may immediately resign from the Scheme upon changes to the Guidelines (whether minor or major), which it believes may have a detrimental impact on it, by giving notice in writing to TSA.

## EQUIVALENT PASSENGER UNIT RATIOS

EPU is a standard passenger car tyre. The weight of an EPU for a new standard passenger car tyre is standardised as 9.5kg; and the weight of an EPU for an end-of-life standard passenger car tyre is standardised as 8 kg.

The following EPU ratios reflect the potential recoverable resources from the various types of tyres. The first set is to be used by tyre importers, vehicle manufacturers and importers and miners for reporting data to TSA as part of their specific commitments. The second set is to be used by recyclers for reporting data to TSA as part of their specific commitments. Each set reflects the categorisations used by the respective industries.

Reporting can be in EPUs or by weight.

### EPUs for reporting by tyre importers, vehicle manufacturers and miners

Type of tyre	EPU ratio
Motorcycle	0.5
Passenger Car	1
Light Truck/SUV	2
Truck small (17.5" & 19.5")	3
Truck large (20" & 22.5")	5
Small Specialty/Ag (skid steer, forklift 8"-15", front tractor & backhoe 15" to 18")	3
Medium Specialty/Ag (20" – 30")	5-8
Large Specialty Ag (32" and above)	20-30
Small Earthmover (24" – 25")	50
Medium Earthmover (29" – 35")	100
Large Earthmover (above 35")	200

### EPUs for reporting by recyclers

Type of tyre	EPU ratio
Motorcycle	0.5
Passenger	1
Light Truck	2
Truck	5
Super Single	10
Solid small (up to 0.3m high)	3
Solid medium (>0.3m up to 0.45m)	5
Solid large (>0.45 m up to 0.6m)	7
Solid extra large (> 0.6m)	9
Tractor small (up to 1m high)	15
Tractor large (>1m up to 2m)	25
Fork lift small (up to 0.3m high)	2
Fork lift medium (>0.3m up to 0.45m)	4
Fork lift large (>0.45m up to 0.6m)	6
Grader	15
Earth mover small (up to 1m high)	20
Earth mover medium (>1m up to 1.5m)	50
Earth mover large (>1.5 up to 2m)	100
Earthmover extra large (>2m up to 3.0m)	200
Earthmover giant (>3 up to 4m)	400
Bobcat	2

## **PART B – REQUIREMENTS FOR BRANDING OF THE TYRE PRODUCT STEWARDSHIP SCHEME**

**PLEASE NOTE:**

Participation in the Scheme is voluntary.

A business or organisation that joins the Scheme is required to comply with commitments that apply to them.

The commitments are set out in these Guidelines:

- **Parts A and B** set out the general commitments.

All Participants are required to comply with the general commitments in Parts A and B.

- **Parts C to I** set out the specific commitments that apply to different types of Participants.

Participants are required to comply with at least one of the parts in Parts C to I.

## **1. Purpose of branding**

The purpose of branding for the Scheme is to:

- promote the Scheme within the supply chain and to consumers
- enable Participants to communicate their commitment to recycling, or support for the recycling of EOLTs.

It is important that the brand is applied consistently and appropriately in order to build a strong, recognisable and credible image of the Scheme.

## **2. Who can use the tyre scheme's brand?**

### **2.1 Participants**

All Participants are required to promote the Scheme.

The Guidelines for the Scheme give permission for Participants to use the Scheme's logo and specify the conditions that apply to that usage. TSA may make other specified communication tools available for Participants to use.

Electronic versions of the logo, the Guidelines and any other specified communication tools provided by TSA are available to Participants free of charge.

Participants can use the Scheme logo and any other specified communication tools without further approval from TSA. The logo is provided to Participants on joining the Scheme.

### **Cessation of Participant status**

If a business or organisation ceases to be a Participant, for whatever reason, or the Participant's accreditation is suspended, then that business or organisation is required to stop using the logo and any other of the specified communication tools immediately. This will require removing the logo wherever it has been applied, e.g. on stationery and on vehicles and equipment. The business or organisation must pay for removal of the logo.

TSA retains the right to revoke permission to use the logo if the logo is not used in accordance with the Guidelines or with other conditions set by TSA.

## **3. How to use the logo**

Use of the Scheme's logo must comply with the appropriate uses and context set out in this Section .

### **3.1 Appropriate uses**

#### *Stationery and publications*

A Participant can incorporate the Scheme logo into a range of printed material including stationery, compliments slips, accounts, invoices, publications, promotional matter, electronic presentations such as PowerPoint, posters, banners, multimedia and websites.

#### *Logo sticker*

As appropriate to the business or organisation, stickers of the logo alone can be used on:

- new tyres or promotional material or packaging associated with new tyres
- containers dedicated to the collection and/or transport of EOLTs
- internal signage e.g. on walls
- external signage e.g. on walls, equipment, vehicles and trailers.

#### *Other uses*

Other uses are permitted provided they are appropriate, taking into account issues of context discussed at 3.2. If there is any doubt about what constitutes an appropriate use, advice should be sought from TSA.

### **3.2 Context**

Participants are required to consider the context in which the Scheme logo is displayed and to ensure that the logo is always used in a manner that is consistent with the spirit and objective of the scheme.

For example the disposal of EOLTs to landfill is not consistent with the Scheme's objectives and any association between the Scheme logo and the disposal of EOLTs to landfill is to be avoided as it is contrary to the Scheme's objectives.

Examples of contexts where a logo could be applied:

- in association with new tyres
- on a wall, beside a collection point dedicated to EOLTs
- on the side of a truck operated by a Participant.

Examples of where a logo should not be applied are:

- in association with types of tyres that are not included in the scheme
- on the side of a skip or a truck that is, or may be, used to collect general waste
- on the side of vehicle that is, or may be, used to deliver EOLTs to a landfill or to a skip used to collect general waste.

A Participant should seek advice from TSA if there is any doubt about the appropriateness of a context in which the logo is proposed to be used.

## **4. Other considerations**

### **4.1 Permission to use tyre scheme materials**

Participants have permission to:

- print and reproduce the Scheme logo and specified communication tools, including the Guidelines, in unaltered form, and
- use these materials for business activities they conduct as Participants and for purposes connected with their participation in the scheme.

### **4.2 Audit**

Adherence to the requirements that apply to the use of the Scheme logo, and specified communication tools, will be examined as part of any audit of a Participant for the purposes of the Scheme.

### **4.3 Costs**

Participants are required to bear all of the costs of:

- using the Scheme logo and other communication tools, including printing costs, and
- removing the Scheme logo.

### **4.4 Text and references**

When describing the Scheme, the preferred text for use by Participants is:

‘Through the voluntary Tyre Product Stewardship Scheme, industry participants commit to increase the recycling and resource recovery of Australia’s end-of-life tyres and minimise environmental, health and safety impacts.’

#### *Standard text*

From time to time, TSA may prepare standard text on specific topics and distribute the text to Participants for their use. In such instances, the standard text is not to be modified without the permission of TSA.

#### *Quoting text*

The text provided by TSA in communication tools is not to be changed when used in Participants’ own publications. Attribution to the source should also be made under such circumstances, e.g. ‘Report on the recycling rate of Australia’s EOLTs, 2011, prepared by Tyre Stewardship Australia’ or the URL and the date it was accessed.

## **PART C – TYRE IMPORTERS AND VEHICLE MANUFACTURERS AND IMPORTERS**

**PLEASE NOTE:**

Participation in the Scheme is voluntary.

A business or organisation that joins the Scheme is required to comply with commitments that apply to them.

The commitments are set out in these Guidelines:

- **Parts A and B** set out the general commitments.

All Participants are required to comply with the general commitments in Parts A and B.

- **Parts C to I** set out the specific commitments that apply to different types of Participants.

Participants are required to comply with at least one of the parts in Parts C to I.

# 1. Tyre importers and vehicle manufacturers and importers

## 1.1 Definition

**Tyre importers and vehicle manufacturers and importers** means businesses or organisations that are engaged in tyre importing, vehicle importing or vehicle manufacturing and are first to supply a tyre to the domestic Australian market.

## 1.2 Specific commitments

In addition to the general commitments, tyre importers and vehicle manufacturers and importers commit to:

- a) contribute funding to support the administration and activities of TSA.
- b) provide data to TSA on the types and numbers of tyres imported, as directed by TSA
- c) only import tyres that are compliant with the relevant Australian standards, whether the tyres are imported as loose replacements or fitted to new vehicles.
- d) promote participation in the Scheme to businesses and other organisations to which they supply tyres, including through the development of an Action Plan.

### Guidance on meeting the commitments

#### *Funding*

The amount of funding to be contributed by a Participant in this category will depend on the number of EPUs imported by the Participant. Contributions will be based on a levy of a minimum of 25 cents per EPU imported into Australia (see Appendix 1 for EPU ratios), or an equivalent membership fee.

Participants in this category must retain and, on request, provide to TSA all records and statements necessary for TSA to verify their tyre imports.

#### *Application process*

An Applicant for participation in the Scheme is required to submit an application accompanied by an Action Plan. The Action Plan outlines the timeline and the steps that the Applicant proposes to undertake to meet the commitments of the Category/ies nominated by the Applicant. This includes how the Applicant will promote participation in the Scheme to businesses and other organisations to which they supply tyres. The application form can be found at [www.tyrestewardship.org.au](http://www.tyrestewardship.org.au)



## PART D – RETAILERS

**PLEASE NOTE:**

Participation in the Scheme is voluntary.

A business or organisation that joins the Scheme is required to comply with commitments that apply to them.

The commitments are set out in these Guidelines:

- **Parts A and B** set out the general commitments.

All Participants are required to comply with the general commitments in Parts A and B.

- **Parts C to I** set out that specific commitments that apply to different types of Participants.

Participants are required to comply with at least one of the parts in Parts C to I.

## 1. Retailers

### 1.1 Definition

**Retailer** means a business or organisation that offers products for sale at retail through any means, including sales outlets, catalogues, or the Internet. For the purposes of the Scheme, tyre retreaders are Retailers.

### 1.2 Specific commitments

In addition to the general commitments set out in Part A, Retailers commit to:

- a) take responsibility for the environmentally sound use of EOLTs left with retailers when consumers purchase tyres.
- b) deal only with collectors and recyclers accredited by TSA when disposing of EOLTs  
or  
where dealing with a non-accredited collector, ensure contractual arrangements specify that all EOLTs are provided to an accredited tyre recycler for environmentally sound use.
- c) Regularly provide data (report) to TSA on the types and numbers of EOLTs provided to tyre collectors and/or recycler and /or their alternative disposal route, as directed by TSA.
- d) deal ethically and transparently with consumers, specifically in relation to the fees and charges associated with the environmentally sound use of EOLTs, and
- e) undertake regular reviews of arrangements with collectors and recyclers.

#### Guidance on meeting the commitments

##### *Prioritisation of accredited importers and manufacturers*

In meeting their General Commitments, accredited Retailers are expected to prioritise the retail sale of tyres sourced from manufacturers and/or importers accredited under the Scheme, over those tyres sourced from non-accredited entities.

##### *All EOLTs to go to environmentally sound use*

Before receiving accreditation from TSA, Retailers need to demonstrate they have arrangements in place that ensure all EOLTs that consumers leave with the Retailer will go to an environmentally sound use.

##### *Claims about recycling EOLTs*

Retailers who are Participants must be in a position to substantiate any claims they make about dealing with EOLTs responsibly, i.e. disposing of them so that they go to an environmentally sound use.

Where a recycling fee is charged separately to consumers, advice that explains how the fee is used in relation to the costs associated with the environmentally sound use of the EOLTs must be provided to consumers – for example, a poster at the point of sale.

Where the recycling fee is included in the tyre price to consumers, advice that the recycling fee has been included and that the fee is used in relation to the costs

associated with the environmentally sound use of the EOLTs must be provided to consumers – for example, a poster at the point of sale.

#### *Documentation*

Retailers must retain copies of all dockets/receipts from collectors and recyclers for TSA auditing purposes, including where the Standard Scheme Docket is used (see the TSA website). Use of the Standard Scheme Docket does not replace any obligation to complete a waste tracking certificate when required by state and territory environment agencies.

#### *Application form and process*

An Applicant for participation in the Scheme is required to submit an application accompanied by an Action Plan. The Action Plan outlines the timeline and the steps that the Applicant proposes to undertake to meet the commitments of the Category/ies nominated by the Applicant. This includes how the Applicant will promote participation in the Scheme to businesses and other organisations in the tyre supply chain.. The application process is described in Section 5.1 of Part A.

#### *Importers of tyres*

Retailers that import tyres are also required to apply for status in the category of Tyre importers and vehicle manufacturers and importers. (See Part C.)

#### **Additional advice for retailers contracting with non-accredited collectors at the time of accreditation**

Accredited Retailers are responsible for ensuring EOLTs are provided to an accredited tyre recycler for environmentally sound use. Where this is found not to occur the Retailer will be required to rectify the non-compliance. Retailers will need to ensure they hold all the required documentation identified under ‘*Documentation*’ above. Their contractual arrangements with the non-accredited collector will need to provide for this documentation.

Retailers may wish to use the standard Scheme docket to meet their documentation requirements. However, where existing documentation meets the data requirements, or can be easily modified to do so, this is acceptable. Electronic systems that meet the data requirements are also acceptable.

The standard Scheme docket is available on the TSA website. The standard Scheme docket is individually numbered and used for each consignment of EOLTs that go from the retailer to the collector and to the recycler. It records the quantity of EOLTs by type. It is designed to identify, and be signed by, the retailer, collector and the recycler.

If retailers choose to use the standard Scheme docket to meet their documentation requirements they should ensure their contractual arrangements with non-accredited collectors specify that:

- the standard Scheme docket is used and is signed by the collector and retailer with copies retained by each;
- the collector provides a copy of the signed standard Scheme docket to the recycler who then signs it; a copy of the signed docket is returned to the retailer (possibly through the collector).

TSA will review a Participant's option to contract with non-accredited collectors after the first year of accreditation. As part of this review the TSA will consider the situation of Participants in areas where the availability of accredited collectors is limited, which could be the case in some rural and remote areas.

## PART E – FLEET OPERATORS

### PLEASE NOTE:

Participation in the Scheme is voluntary.

A business or organisation that joins the Scheme is required to comply with commitments that apply to them.

The commitments are set out in these Guidelines:

- **Parts A and B** set out the general commitments.

All Participants are required to comply with the general commitments in Parts A and B.

- **Parts C to I** set out that specific commitments that apply to different types of Participants.

Participants are required to comply with at least one of the parts in Parts C to I.

Australian and state governments should apply under the category of fleet operators.  
Local governments should apply under their own category.

## 1. Fleet operators

### 1.1 Definition

Fleet operator is an entity that owns or operates a fleet of vehicles, including private and Australian and state and territory government fleet operators.

### 1.2 Specific commitments

In addition to the general commitments set out in Part A, fleet operators, including government, commit to:

- a) take responsibility for the environmentally sound use of the EOLTs they generate; and
- b) deal only with retailers or importers accredited by TSA when purchasing or replacing new tyres for their fleets

#### Guidance on meeting the commitments

##### *Prioritisation of accredited importers and manufacturers*

In meeting their General Commitments, accredited fleet operators are expected to prioritise the use of tyres sourced from manufacturers and/or importers accredited under the Scheme, over those tyres sourced from non-accredited entities.

*All EOLTs to go to environmentally sound use*

Before being approved by TSA to join the Scheme, fleet operators need to demonstrate they have arrangements in place that ensure all EOLTs generated by their fleets will go to an environmentally sound use.

*Application form and process*

An applicant for participation in the Scheme is required to submit an application accompanied by an Action Plan. The Action Plan outlines the timeline and the steps that the applicant proposes to undertake to meet the commitments of the Category/ies nominated by the applicant. This includes how the applicant will promote participation in the Scheme to businesses and other organisations in the tyre supply chain.

The application form for fleet operators, which includes an Action Plan template, is available on the TSA website. The application process is described in Section 5.1 of Part A.

*Importers of tyres*

Fleet operators who import tyres are also required to apply for status in the category of Tyre importers and vehicle manufacturers and importers. (See Part C.)

**Additional advice for fleet operators contracting with non-accredited collectors at the time of accreditation**

Accredited fleet operators are responsible for ensuring EOLTs are provided to an accredited tyre recycler for environmentally sound use. Where this is found not to occur the fleet operator will be required to rectify the non-compliance. Fleet operators will need to ensure they hold all the required documentation identified under ‘*Documentation*’. Their contractual arrangements with the non-accredited collector will need to provide for this documentation.

Fleet operators may wish to use the standard Scheme docket to meet their documentation requirements. However, where existing documentation meets the data requirements, or can be easily modified to do so, this is acceptable. Electronic systems that meet the data requirements are also acceptable.

The standard Scheme docket is available on the TSA website at <http://www.tyrestewardship.org.au/resources>. The standard Scheme docket is individually numbered and used for each consignment of EOLTs that go from the fleet operator to the collector and to the recycler. It records the quantity of EOLTs by type. It is designed to identify, and be signed by, the fleet operator, the collector and the recycler.

If fleet operators choose to use the standard Scheme docket to meet their documentation requirements they should ensure their contractual arrangements with non-accredited collectors specify that:

- the standard Scheme docket is used;
- the standard Scheme docket is signed by the collector and fleet operator with copies retained by each;

- the collector provides a copy of the signed standard Scheme docket to the recycler who then signs it; a copy of the signed docket is returned to the fleet operator (possibly through the collector).

TSA will review a Participant's option to contract with non-accredited collectors after the first year of accreditation. As part of this review the TSA will consider the situation of Participants in areas where the availability of accredited collectors and recyclers is limited, which could be the case in some rural and remote areas.

## PART F – LOCAL GOVERNMENT

**PLEASE NOTE:**

Participation in the Scheme is voluntary.

A business or organisation that joins the Scheme is required to comply with commitments that apply to them.

The commitments are set out in these Guidelines:

- **Parts A and B** set out the general commitments.

All Participants are required to comply with the general commitments in Parts A and B.

- **Parts C to I** set out that specific commitments that apply to different types of Participants.

Participants are required to comply with at least one of the parts in Parts C to I.

Local government should apply under this category and should not apply under the category of fleet operators.



## 1. Local government

### 1.1 Definition

Local government is a government entity with powers and geographical distribution established by a state or the Northern Territory. A 'Local government' can also be referred to as a local council, city, shire, town or municipality.

Guidance: In the Australian Capital Territory, the responsibilities usually handled by local government are administered by a department of the territory government. The relevant department can apply for Participant accreditation in the Local government category.

It is acknowledged that in local government areas solid waste is often managed at a regional level. The Scheme allows for regional associations to apply on behalf of a number of local councils.

### 1.2 Specific commitments

In addition to the general commitments set out in Part A, local governments commit to:

- a) take responsibility for the environmentally sound use of the EOLTs they generate through their own operations
- b) deal only with retailers accredited by TSA when purchasing or replacing new tyres for their own fleets
- c) ensure tyres being collected by hard rubbish collectors or being dropped off at transfer stations are being appropriately managed, and where possible are being recycled by a TSA accredited tyre collector or recycler;  
or  
where dealing with a non-accredited collector, ensure contractual arrangements specify that all EOLTs are provided to an accredited tyre recycler for environmentally sound use, and
- d) undertake regular reviews of arrangements with collectors and recyclers

#### Guidance on meeting the commitments

##### *All EOLTs to go to environmentally sound use*

Before being accredited by TSA, local governments need to demonstrate they have arrangements in place that ensure all EOLTs collected by hard rubbish collectors or being dropped off at transfer stations will go to an environmentally sound use.

##### *Documentation*

Local governments must retain copies of all dockets/receipts from collectors and recyclers for TSA auditing purposes, including where the Standard Scheme Docket is used.

Use of the Standard Scheme Docket (which can be found at <http://www.tyrestewardship.org.au/resources>) does not replace any obligation to

complete a waste tracking certificate when required by state and territory environment agencies.

#### *Application form and process*

Under the Scheme, the commitments that apply to local governments are similar to the commitments for fleet operators. However, local governments should apply under their own category.

An Applicant for participation in the Scheme is required to submit an application accompanied by an Action Plan. The Action Plan outlines the timeline and the steps that the applicant proposes to undertake to meet the commitments of the Category/ies nominated by the applicant. This includes how the applicant will promote participation in the Scheme to businesses and other organisations to which they supply tyres.

The application form for local governments, is available on the TSA website. The application process is described in Section 5.1 of Part A.

#### **Additional advice for local governments contracting with non-accredited collectors at the time of accreditation**

Accredited local governments are responsible for ensuring EOLTs are provided to an accredited tyre recycler for environmentally sound use. Where this is found not to occur the local government will be required to rectify the non-compliance. Local governments will need to ensure they hold all the required documentation identified under ‘*Documentation*’. Their contractual arrangements with the non-accredited collector will need to provide for this documentation.

Local governments may wish to use the standard Scheme docket to meet their documentation requirements. However, where existing documentation meets the data requirements, or can be easily modified to do so, this is acceptable. Electronic systems that meet the data requirements are also acceptable.

The standard Scheme docket is available on the TSA website at <http://www.tyrestewardship.org.au/resources>. The standard Scheme docket is individually numbered and used for each consignment of EOLTs that go from the local government to the collector and to the recycler. It records the quantity of EOLTs by type. It is designed to identify, and be signed by, the local government, the collector and the recycler.

If local governments choose to use the standard Scheme docket to meet their documentation requirements they should ensure their contractual arrangements with non-accredited collectors specify that:

- the standard Scheme docket is used;
- the standard Scheme docket is signed by the collector and local government authority with copies retained by each;
- the collector provides a copy of the signed standard Scheme docket to the recycler who then signs it; a copy of the signed docket is returned to the local government authority (possibly through the collector).

TSA will review a Participant’s option to contract with non-accredited collectors after one year of accreditation. As part of this review TSA will consider the situation

of participants in areas where the availability of accredited collectors is limited, which could be the case in some rural and remote areas.

## **2. Roles of local government with EOLTs**

Local governments are encouraged to join the Scheme as operators of vehicles and managers of landfill and waste and commit to take responsibility for the environmentally sound use of the EOLTs they generate through their own operations. Local governments are also acknowledged as legal landfill managers and often act as custodians of illegally dumped and stockpiled EOLTs (see below). It is recognised that governments are moving away from landfill as a solution for EOLTs. This Scheme is designed to help local governments by developing a market for EOLTs so they are diverted from landfill.

## **3. Recognition of challenge of illegally dumped and stockpiled tyres**

It is recognised that local governments, and in some circumstances state/territory governments, often assume responsibility for the clean-up of EOLTs from stockpiles or illegal dumping in their jurisdictions. It is expected that, over time, investment by TSA in the domestic markets for TDPs and research into other impediments to resource recovery and recycling will reduce the cost associated with appropriate handling of tyres that have been stockpiled or illegally dumped.

It is also recognised that there are circumstances whereby local, state and territory governments assume responsibility for the clean-up of EOLTs in areas where no collection services are available.

As a Participant in the Scheme, a local government is required to make its best endeavours over time to ensure that all EOLTs for which they take, or are required to take responsibility, are disposed in of in a way that represents environmentally sound use.

## **PART G – COLLECTORS**

**PLEASE NOTE:**

Participation in the Scheme is voluntary.

A business or organisation that joins the Scheme is required to comply with commitments that apply to them.

The commitments are set out in these Guidelines:

- **Parts A and B** set out the general commitments.

All Participants are required to comply with the general commitments in Parts A and B.

- **Parts C to I** set out that specific commitments that apply to different types of Participants.

Participants are required to comply with at least one of the parts in Parts C to I.

## 1. Collectors

### 1.1 Definition

Collector means an individual, business or organisation that collects and/or transports EOLTs in any part of Australia for recycling, reuse or disposal. For the purposes of this document, a transporter is a Collector.

### 1.2 Specific commitments

In addition to the general commitments set out in Part A, Collectors commit to:

- a) ensure all EOLTs collected from retail and other outlets with a Recycling gate fee are passed to domestic tyre recyclers accredited by TSA,
- b) provide regular data (report) to TSA as directed by TSA, and
- c) deal ethically and transparently with retailers and other outlets, specifically in relation to the fees and charges associated with disposal of EOLTs.

#### Guidance on meeting the commitments

##### *All EOLTs to go to environmentally sound use*

Before being accredited by TSA, Collectors need to demonstrate they have arrangements in place that ensure all EOLTs they collect from Scheme Participants will go to an environmentally sound use.

##### *Claims about recycling EOLTs*

Collectors who are Participants in the Scheme must be in a position to explain any claims made to retailers and other outlets about the destination of EOLTs they collect.

##### *Documentation*

Collectors must retain copies of all dockets/receipts from retailers, fleet operators, local governments and recyclers for TSA auditing purposes, including where the Standard Scheme Docket is used (see <http://www.tyrestewardship.org.au/resources>).

Use of the Standard Scheme Docket does not replace any obligation to complete a waste tracking certificate when required by state and territory environment agencies.

##### *Application form and process*

Collectors that are also recyclers are required to apply for status in both categories. For the purposes of participation in the Scheme, businesses that operate as both collectors and recyclers will need to be clear about how they are to meet the two sets of commitments.

An Applicant is required to submit an application accompanied by an Action Plan. The Action Plan outlines the timeline and the steps that the Applicant proposes to undertake to meet the commitments of the Category/ies nominated by the Applicant. This includes how the Applicant will promote participation in the Scheme to businesses and other organisations they collect tyres from.

The application process is described in Section 5.1 of Part A.



## PART H – RECYCLERS

**PLEASE NOTE:**

Participation in the Scheme is voluntary.

A business or organisation that joins the Scheme is required to comply with commitments that apply to them.

The commitments are set out in these Guidelines:

- **Parts A and B** set out the general commitments.

All Participants are required to comply with the general commitments in Parts A and B.

- **Parts C to I** set out that specific commitments that apply to different types of Participants.

Participants are required to comply with at least one of the parts in Parts C to I.

## 1. Tyre recyclers

### 1.1 Definition

**Tyre recycler** means a business or organisation recovering rubber, steel, textile and/or other materials and processing it into a form whereby it can be used as an intermediate product in the manufacture of TDPs, or to recover energy from EOLTs.

### 1.2 Specific commitments

In addition to the general commitments set out in Part A, Tyre recyclers commit to:

- a) guarantee that all EOLTs received from Participants go to an environmentally sound use.
- b) provide data to TSA on the number and fate of tyre EPU processed and sold or otherwise provided for an environmentally sound use, as directed by TSA.

#### Guidance on meeting the commitments

##### *All EOLTs to go to environmentally sound use*

Before being accredited by TSA, Tyre recyclers need to demonstrate they have arrangements in place that ensure all EOLTs they collect from Scheme Participants will go to an environmentally sound use. Tyre recyclers must also demonstrate their recycling activities are currently operational and they are already turning EOLTs to environmentally sound use. Before Tyre recyclers are accredited TSA will make an assessment of their capacity to ensure the EOLTs they have received or plan to receive go to environmentally sound use.

##### *Documentation*

Tyre recyclers must retain copies of all dockets/receipts from collectors, retailers, fleet operators, local governments and miners, including where the Standard Scheme Docket is used (see <http://www.tyrestewardship.org.au/resources>).

Use of the Standard Scheme Docket does not replace any obligation to complete a waste tracking certificate when required by state and territory environment agencies.

Tyre recyclers must retain and, on request, provide to TSA all records and statements necessary for TSA to verify the amount of EOLTs and TDPs they receive. Tyre recyclers must also retain, and on request, provide to TSA all records and statements necessary for TSA to verify the fate of EOLTs.

##### *Application form and process*

Tyre recyclers that are also Collectors are required to apply for status in both categories. For the purposes of participation in the Scheme, businesses that operate as both recyclers and collectors will need to be clear about how they are to meet the two sets of commitments.

An Applicant is required to submit an application accompanied by an Action Plan. The Action Plan outlines the timeline and the steps that the applicant proposes to undertake to meet the commitments of the Category/ies nominated by the applicant. This includes how the Applicant will promote participation in the Scheme to businesses and other organisations they collect tyres from.



The application form, including the template for an Action Plan, is available on the TSA website.

The application process is described in Section 5.1 of Part A.

## PART I – MINERS

**PLEASE NOTE:**

Participation in the Tyre Product Stewardship Scheme is voluntary.

A business or organisation that joins the Scheme is required to comply with commitments that apply to them.

The commitments are set out in these Guidelines:

- **Parts A and B** set out the general commitments.

All Participants are required to comply with the general commitments in Parts A and B.

- **Parts C to I** set out that specific commitments that apply to different types of Participants.

Participants are required to comply with at least one of the parts in Parts C to I.

## 1. Miners

### 1.1 Definition

**Miners** mean businesses or organisations that are engaged in the exploration for, and extraction and primary processing of, minerals in Australia, including coal and petroleum. Primary processing is taken to include the processing of minerals up to the first pouring of refined metal but fabrication beyond that stage is excluded.

### 1.2 Specific commitments

In addition to the general commitments set out in Part A, miners commit to:

- contribute funding to support the administration and activities of TSA, in particular funding to improve the logistics and technology required to recycle EOLTs generated by miners
- provide data, as directed by TSA, regarding the numbers of tyres being imported and reaching end of life
- promote participation in the Scheme to businesses and other organisations, including those they engage to collect or recycle EOLTs
- make best endeavours over time to ensure that all EOLTs for which they take, or are required to take responsibility, are dealt with in a way that represents environmentally sound use.

#### Guidance on meeting the commitments

##### *Funding*

The amount of funding to be contributed by a participant in this category will depend on the number of EPUs imported by the participant. Contributions will be based on a levy of a minimum of 25 cents per EPU imported into Australia (see Appendix 1 for EPU ratios for reporting by tyre importers, vehicle manufacturers and miners).

Participants in this category must retain and, on request, provide to TSA all records and statements necessary for TSA to verify their tyre imports.

##### *Application process*

An Applicant is required to submit an application accompanied by an Action Plan. The Action Plan outlines the timeline and the steps that the applicant proposes to undertake to meet the commitments of the Category/ies nominated by the applicant. This includes how the applicant will promote participation in the Scheme to businesses and other organisations to which they supply tyres.

The application form for miners, which includes an Action Plan template, is available on the TSA website. The application process is described in Section 5.1 of Part A.

## 2. Recognition of challenge of mining tyres in rural and remote locations

It is recognised that mining operations in rural and remote areas where appropriate recycling facilities are not available, or transportation costs are prohibitive, often use

landfill as there is no viable alternative available. It is lawful for miners to landfill their EOLTs on site and according to legislation.

There are geographic barriers to recycling OTR tyres in Australia and a need for specialised recycling equipment. Action is needed to stimulate markets for TDPs.

It is expected that, over time, investment by TSA in markets for TDPs and research into other specific impediments will reduce the costs associated with resource recovery and recycling of rural and remote mining tyres.

As participants in the Scheme, miners are required to make best endeavours over time to ensure that all EOLTs for which they take, or are required to take responsibility, are disposed in of in a way that represents environmentally sound use.

### **3. Safety and handling of mining tyres**

OTR tyres used by the minerals industry can weigh up to 3.8 tonnes. The handling of these very large tyres poses significant safety hazards. Management of these risks is a key mining industry concern. Due to the large nature of these tyres, specialist handling equipment and professionals are required.

These aspects must be taken into account when considering ways to increase OTR tyre recycling and resource recovery.