

enquiries refer  
**Justine Rowe**



24 September 2025

Dear ACCC Applications Team

**Re: SPSA Product Stewardship Scheme Application**

I, Justine Rowe, on behalf of Ballina Shire Council in NSW welcome the opportunity to make a submission to the application by the Soft Plastics Stewardship Australia (SPSA), submitted to the ACCC on 18 March 2025.

*Background*

Ballina Shire Council is a local government area in the Northern Rivers region of Northern NSW. It covers an area of 485 km<sup>2</sup> with a population of around 47,000. We are a regional community which means we lack some of the markets and opportunities urban centres have, especially when it comes to waste and recycling options. We are also a coastal community, located on the Richmond River and Pacific Ocean.

Although local government areas do much more than “roads, rates, and rubbish,” waste and recycling collection, transport and processing is a key function of a local Council, as is the education around waste and resource recovery. As the closest connection between residents, local businesses and their waste, we understand the risks and challenges of waste management. We also hear the complaints and comments from our community and can speak for their concerns.

The Australian waste and resource recovery sector has lost consumer confidence in recent years, starting with China’s National Sword Policy and continuing with the collapse of the REDCycle scheme. Since then, local councils are consistently receive criticisms that recycling is not real and that everything goes to landfill. Additionally, as a coastal community, we constantly receive community feedback and concerns about the quantity of plastics on our beaches and waterways. Our community is waking up to the scale of the plastics use and plastics pollution crisis and wants to see plastic reduction, not merely plastic recycling. The dangers of soft plastics to environmental health are well known (from extraction to processing to incorrect disposal), but our community is learning more and more about the dangers of soft plastic food and drink packaging for human health. I hear from residents on a weekly basis that they want less plastic packaging, but there simply isn’t an option for them, particularly in a regional area and in a cost-of-living crisis when the plastic wrapped options are the cheapest. I feel confident in speaking for our community when I say they want to see less plastics in the supermarket, not ever-increasing plastics that “may” get recycled. Rather than using single use plastic to store food, people want to see naked produce, refillable and reusable packaging options, and paper-based easy to recycle packaging (which is also less damaging when it enters the environment, which will always happen in the transport of waste and in our modern on-the-go lifestyle).

*Please see below for further details on our concerns and recommendations.*

<b>Concern</b>	<b>Detail</b>	<b>Position/Recommendation</b>
Consumers will continue to be misled about the benefits of recycling	There are multiple higher order actions in the waste hierarchy before we get to recycle; however, consumers are often lead to believe recycling has a higher	If the scheme is to be adopted, it must be as a true product stewardship scheme which manages and minimises the

	<p>environmental benefit than it actually does, when really we must be promoting the prevention and reduction of waste generation and reuse before we get to recycling.</p>	<p>environmental and human health impacts of its product through the entire lifecycle. If recycling is to be the focus, brands and companies choosing to continue using soft plastics should be transparent about the true benefits of recycling, and what they could be doing better.</p>
<p>Consumers will continue to misunderstand or misinterpret the proposed scheme, particularly around bag-in-bin option</p>	<p>Plenty of people try to recycle correctly and pay attention to messaging around appropriate bin behaviour, but bin behaviour is notoriously difficult to educate and influence. Our Council has spent years reinforcing the message NOT to put soft plastics of any type in the recycling bin. Furthermore, we've spent years and considerable resources trying to get consistency between home, school, business and public bins. Having an at-home recycling option for soft plastics, but nowhere else will only continue to muddle the already complex message around what goes in what bin.</p> <p>Council does not have the resources to re-educate all residents around the proposed soft plastics recycling scheme, as it is costly, time-consuming and challenging to attempt to communicate with all residents. Furthermore, we do not feel it is in our, or residents', best interest to do so as this will greenwash them into thinking recycling is a higher impact action than it is, and into continued complacency around the use of soft plastics.</p>	<p>The first priority of SPSA must be to alternate packaging options including removal or reduction in packaging and reuse and refill options for essential packaging prior to signing on to this scheme.</p> <p>Reduction of plastic must be the priority over collection methods. We understand there have been limited successful trials with a few councils; however, we think the emphasis for collection should be on in-store collection; thereby, removing any additional work and risk for Councils and MRF operators. The participation rate from the bag-in bin trials was low, so we see no reason to pursue that option over in store-collection, which residents were already used to and which prevents us from having to re-educate and potentially confuse residents.</p>
<p>The scheme's focus on recycling will override impetus to reduce soft plastic usage and innovate other formats</p>	<p>The scheme's failure to abide by the waste hierarchy is a fundamental failing and the emphasis on collection and recycling is an indication that the members of SPSA do not intend to genuinely reduce their plastic usage. Nor is there any indication they tend to utilise the end product of the recycling of their soft plastic packaging, which would make it into a truly circular system.</p>	<p>Generator responsibility for the entire lifecycle of the product - from product design to end of life – must be mandated.</p> <p>Innovation, reusability must come first. And after, recycled product must replace virgin plastic materials.</p>
<p>Environmental impacts of soft plastics</p>	<p>Derived almost exclusively from fossil feedstocks, soft plastics generate pollution across their lifecycles.</p> <p>Soft plastics are consistently among the most frequently littered items across Australia, across all coastal areas, and in Ballina local government area. ¾ of the rubbish along the Australian coast is plastic and according to Clean Up</p>	<p>SPSA must incorporate all environmental impacts into this scheme, participants must design and use packaging following the waste hierarchy and circular economy principles, and levy fees reflect the true environmental cost of packaging across the full life cycle (including pollution potential).</p>

	<p>Australia 1/3 of all litter across the country is soft plastics.</p> <p>According to the Minderoo Foundation, Australians generate more single-use plastic waste per capita than any other country in the world (about 60 kg each year). Clearly, recycling is not the answer here, rather reduction in this unnecessary- and harmful- packaging is.</p> <p>Ballina is home to the Australian Seabird and Turtle Rescue, which rescues and aims to rehabilitate hundreds of animals each year. They constantly rescue animals who have ingested or are in some way entangled or harmed by all kinds of plastics, including soft plastics. They see, and show our community, the first hand harm these materials cause.</p>	<p>Single use and soft plastics are unnecessary and harmful.</p>
<p>Human health impacts of soft plastics as food packaging</p>	<p>Chemicals in soft plastic food packaging contain many chemicals that can migrate into foodstuffs. Many of these chemicals are known to be hazardous to human health including as carcinogens and endocrine disrupters. It is irresponsible to continue using these products as a ubiquitous food storage material when soft plastics are not necessary for food safety or storage, and in fact, have the adverse effects of harming human and planetary health along each step of the life cycle.</p> <p>Furthermore, evidence is mounting around how soft plastic packaging leaches micro and nanoplastics into the food, to be directly ingested by humans. Here is just one such study of which there are many: <a href="#">Overview of known plastic packaging- associated chemicals and their hazards - ScienceDirect</a>.</p>	<p>The ACCC consider how the public is being misled to think soft plastics are a safe and necessary food storage material.</p> <p>The scheme is re-structured to prioritise removal of soft plastics first, and then what is deemed necessary is clearly labelled with its potential harms to human health so that consumers are fully aware. Along with that, SPSA members particularly large supermarkets must give options of items NOT in soft plastics, namely through naked packaging, bulk/refill, and other more readily recyclable materials without the same list of chemical additives.</p>
<p>Missing elements of an effective and responsible product stewardship scheme</p>	<p>We wholeheartedly acknowledge that soft plastic packaging cannot be removed overnight, and that recycling will be needed as part of a phased out approach. However, there are certain key principles of effective and responsible product stewardship that are not evident in this proposed scheme, namely:</p> <ul style="list-style-type: none"> <li>- Effective product stewardship is aligned with circular economy principles and the waste hierarchy that prioritises strategies to reduce resource consumption, regenerate nature and decarbonise the economy.</li> </ul>	<p>A high minimum standard of buy back and reuse of soft plastics made from recycled material via the scheme be set by independent board members who are non-industry representatives, appointed through a transparent process.</p> <p>With that target should come an ambitious soft plastics reduction target for each SPSA member in their own operations with a year-on-year reduction in the soft</p>

	<ul style="list-style-type: none"> <li>○ The proposed Scheme fails to be circular in that there is no impetus for the companies involved to buy back the recycled material.</li> <li>- The objectives to improve environmental and human health outcomes are at the centre of how product stewardship action is developed, implemented and monitored. <ul style="list-style-type: none"> <li>○ The proposed Scheme fails to acknowledge or attempt to mitigate the negative human and environmental health impacts of the product it chooses to place on the market.</li> </ul> </li> </ul>	<p>plastics they aim to put on the market.</p>
<p>Potential for the levy cost to be passed on to consumer and avoidance of the polluter pays principle</p>	<p>Allowing brand owners to pass the levy costs onto consumers is another example of shirking responsibility for the hazardous item they are putting on the market and eliminates any financial motivation for brand owners to reduce plastic packaging.</p> <p>Passing the costs onto customers is particularly unfair when the major supermarkets and major food manufacturers are part of this scheme and they are the ones who control what kinds of packaging their food comes in. If they will be set to make even more money off of their customers, why wouldn't they pass the levy cost onto customers and why would they look to replace plastic with other more environmentally friendly packaging options (or no packaging as is often needed).</p>	<p>We recommend brand owners remain financially responsible for soft plastics they choose to use and it be outlined in the scheme they cannot pass the cost onto customers, whether overtly or covertly.</p>

From the conference on 19 September, I am particularly concerned by the viewpoints expressed by representatives of soft plastic recycling facilities. They made it clear that they need this scheme because they need soft plastics to continue to be used in order to provide feedstock for their machinery and facility. Proposals like this do the exact opposite of what many SPSA members in the room claimed, namely that they are “working hard to minimise plastic usage.” How can they be minimising plastic usage when they are guaranteeing soft plastic feedstock to large business interests? Putting business interest and needs over the needs of the community and the planet is to the public detriment, and should be a strong mark against this scheme. This scheme locks these companies into needing to continue producing soft plastics and gives them an easy way out; it does not encourage them to reduce their plastic packaging, consider other packaging materials, or take responsibility for the product they place on the market (the aim of any true product stewardship scheme). It puts the onus to recycle correctly onto the consumer (as well as the potential levy), puts the challenge of recycling onto the waste and recycling industry, and shirks responsibility for their own product and for the need to get hazardous, harmful materials off the market.

Our final recommendation is that ACCC should seriously re-review SPSA's application and weigh the benefits of soft plastics recycling against the public detriment of the scheme and the human and environmental health catastrophes from continued use of soft plastics and from locking the country into a scheme to continue producing and using soft plastics.

If approved to go ahead, SPSA's scheme must reverse the following failings of a true, effective product stewardship scheme, namely:

- Failure to address entire life cycle of product
- Governance dominated by plastic producers (therefore in their interest to continue producing)
- Reduced/minimal incentive for innovation
- Costs passed to consumers (who often have no choice besides purchasing items wrapped in plastic)

If the Product Stewardship Scheme is to be approved, it must be restructured to ensure it abides by the principles of product stewardship and is in line with federal targets in the National Plastics Plan.

Thank you for the opportunity to provide feedback. Please contact Justine Rowe at [REDACTED] if you wish to discuss this submission further.

Yours sincerely

Justine Rowe  
**Resource Recovery Education Officer**

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