

29 September 2025

Mr. Mick Keogh Chair,
Competition Exemptions Committee
Australian Competition & Consumer Commission
GPO Box 3131,
Canberra ACT 2601
Submission by online portal



Post Conference response regarding ACCC's Draft Determination for Soft Plastic Stewardship Australia Limited

1. Background

Zero Waste Victoria (ZWV) requested the conference because, while there is a public benefit in re-establishing a soft plastics recycling scheme on a national scale, the proposed model is built on conflicted governance. Without enforceable safeguards to guarantee producer responsibility, transparency, and accountability, the public detriments are likely to outweigh the benefits in the longer term.

ZWV is a community organisation dedicated to empowering individuals and communities to reduce waste and embrace sustainable living practices. Through active engagement, ZWV facilitates conversations and advocates for systemic solutions to address the growing challenges in our waste and recycling systems. We are a voice for the public, and our participation at the conference was funded by a community crowdfunding campaign.

The collapse of REDcycle illustrates the risks of relying on voluntary stewardship without a regulatory framework to support it, demonstrating the need for robust oversight and safeguards across the full supply chain.

Following the conference, concerns now exist about the accuracy and reliability of SPSA's claims, with clear contradictions between its own statements and how stakeholder views have been represented. Rather than providing clarity, these contradictions have heightened concern and raise questions about SPSA's transparency,

accuracy, and accountability, reinforcing the need for independent oversight and enforceable safeguards.

Recycling soft plastics is in the public interest, but without enforceable safeguards, the scheme risks entrenching greenwashing, shifting costs to consumers, and reinforcing supermarket and brand dominance through claims that may overstate actual environmental benefits.

We acknowledge the ACCC's efforts to balance competition and industry impacts. However, the draft authorisation overlooks broader public and environmental detriments. This is a complex application with implications beyond competition law, intersecting with compliance obligations under the Australian Charities and Not-for-profits Commission (ACNC) and national packaging reform led by the Department of Climate Change, Energy, Environment and Water (DCCEEW). The ACCC's authorisation must align with these processes to avoid undermining reforms and to ensure integrity in scheme governance.

Key concerns with the SPSA authorisation

- **Governance** is dominated by conflicted members, insufficient independence, and risks of preferencing commercial interests.
- **Greenwashing** risks misleading consumers by overstating recycling outcomes and omitting upstream impacts.
- **Polluter pays** principle is not upheld, with costs at risk of being shifted to consumers, rather than accountability from producers.
- **Scope** of soft plastics excludes higher value streams and undermines efficiency and credibility.
- **Transparency** risks include unclear levy setting, poor communications of cost pass-through to consumers, selective disclosure, and vague claims of commercial sensitivity.
- **Compliance risks** as it appears SPSA has failed to disclose relevant constitutional and governance amendments to regulators. This lack of transparency, combined with contradictory positions presented in its application and at the conference, raises additional concerns about accuracy, accountability, and overall governance integrity.

ZWV is not opposed to collaboration between supermarkets and brands in principle, but only if authorisation is conditional with enforceable safeguards that ensure full public benefit.

2. Public Benefit vs Public Detriment

The ACCC appears to have focused narrowly on recycling outcomes without addressing the systemic drivers of soft plastic waste. Framing recycling alone as a public benefit, risks embedding inefficient practices and portraying business-as-usual as progress, thereby legitimising relative inaction.

Public Detriments Identified by ACCC

The ACCC has recognised risks including:

- a) Crowding out alternative stewardship arrangements,
- b) Increased barriers to entry for service providers not contracted by SPSA, and
- c) competitors sharing commercially sensitive information.

[Reference](#) p 29

Broader Public Detriments

ZWV agrees with these risks but notes that the list is incomplete as it overlooks wider consumer and public impacts including:

- **Greenwashing risk:** SPSA stated that “including business-to-business (B2B) soft plastics in the Scheme could significantly impact the cost of the Scheme Levy.” ([response, 12 June](#) p 18). Yet during the conference, SPSA, indicated operational plastic like pallet wrap is of higher financial value because it’s cleaner and easier to recycle than post-consumer soft plastics. This creates a contradiction, if pallet wrap is of higher value, for efficiency, it should be prioritised.
- **Pre-consumer waste:** While some factory or distribution films may already be recycled, no evidence has been provided that this occurs at scale. Excluding cleaner, higher-value B2B streams risks focusing on consumer visibility rather than impact, thereby undermining efficiency.
- **Government analysis:** DCCEEW’s [Reform of Packaging Regulation Consultation Paper](#) p8. notes that in 2021–22, 528,000 tonnes of flexible plastic packaging were placed on the market, yet only 62,000 tonnes (11.7%) were recovered primarily from B2B streams such as pallet wrap. Excluding these streams directly contradicts government analysis.
- **Efficiency implications:** By omitting higher value feedstocks and focusing on only the more visual yet harder to recycle post consumer plastics, the scheme reduces efficiency by excluding higher value streams and risks prioritising PR outcomes over maximum impact.

- **Lack of reduction:** The scheme has no enforceable requirements for upstream plastic reduction, locking in inefficient packaging practices.
- **Cost pass-through:** Rather than meeting obligations under the polluter-pays principle, producers may shift levy costs to consumers while retaining reputational benefit.
- **Governance conflicts:** SPSA is governed by the same entities responsible for producing problematic plastics, creating inherent conflicts of interest that risk privileging commercial over public outcomes.

Collectively, these gaps and inconsistencies risk skewing the ACCC's assessment by overstating public benefit while masking commercial or reputational advantages to members.

Exclusion of alternatives

While the [ACCC notes](#) p32. that alternative stewardship models (e.g. Curby, APCO, councils) may continue to operate, SPSA's scale and control of the brands levy creates a real risk of crowding out competitors. In practice, brands are unlikely to fund multiple schemes, meaning levy participation will concentrate with SPSA, being supermarket led.

But a single, centralised scheme could deliver public benefit through efficiencies if mandated and designed within a strong regulatory and governance framework. However, authorising a voluntary, industry controlled scheme risks entrenching producer interests, narrowing space for innovation, and risks undermining both DCCEE's packaging reform agenda and the governance diversity required for a credible stewardship scheme.

Given SPSA's positioning as the national industry voice on soft plastics, approval risks amplifying its influence in shaping DCCEE's regulatory reform process. Without independent governance, SPSA's input may reflect brand and retailer priorities rather than public or environmental interests, skewing future regulation in ways that protect incumbents and reduce long term reform effectiveness.

Summary of Public Detriments

Key detriments include:

- a) Costs may be shifted from producers to consumers
- b) Weakened incentives for packaging innovation and waste reduction
- c) Exclusion of pre-consumer/B2B streams, undermining efficiency
- d) Conflicted governance that compromises accountability

While SPSA may deliver some reduction in soft plastics to landfill ([Draft Determination p.22](#)), without enforceable conditions the scheme risks becoming a net public detriment, with higher consumer costs, weakened innovation incentives, and erosion of trust. Collaboration should only be permitted with conditions that prevent producer cost-shifting and require genuine waste reduction.

Recommendation

The ACCC should re-review SPSA's application, weighing claimed recycling benefits against wider detriments, and only permit collaboration where it demonstrably serves full public interest benefit and protects consumer and environmental outcomes.

3. Full Life cycle, Efficiency and Market Failure

The most efficient form of single-use plastic is the one never produced. Prevention must therefore sit at the core of any scheme claiming public benefit. Neither SPSA's application nor the ACCC's analysis take this full life cycle view of plastics. Instead, recycling is framed as the solution, even though it only addresses part of the problem.

This omission is inconsistent with the [ACCC's Making Environmental Claims Guide](#) p17. *"It is important to consider the effect of the total life cycle of your product, or overall activities, before making any environmental claims"*

By ignoring upstream impacts, the scheme risks presenting a partial solution, while shifting costs to consumers for packaging choices outside their control.

ZWV would like to acknowledge Roelof Vogel and associates, authors [Governance solutions for soft plastics in Australia: lessons from the discontinuation of REDcycle.](#)

Via a discussion, Vogel framed the full lifecycle of plastics in terms of governance across three stages, upstream, midstream, and downstream. A framework that highlights the systemic gaps in SPSA's proposal.

1. Upstream (production of plastics)
2. Midstream (use in packaging and retail distribution)
3. Downstream (post-consumer collection and recycling/reuse)

Upstream – Production and Packaging Design

- Brands are not passive participants, they design and specify packaging, directly shaping plastic use.
- There is no mandatory stewardship or regulations requiring best-practice packaging design.
- DCCEEW's consultation on [Reform of Packaging Regulation](#) could underpin future governance, but outcomes of when and how remain uncertain.
- Insight from DCCEEW should inform the ACCC's assessment, ensuring alignment with emerging regulation and avoiding approval of a scheme that could conflict with national reforms.
- Submissions from [Clean Up Australia](#) (23rd April p2), [Waste Management and Resource Recovery Association of Australia](#) (7th April p2), and [Veolia](#) (25th August p3) have raised similar concerns about the relevance of a mandatory scheme.

Midstream – Retail and Post-consumer Waste

- Consumers purchase these products and generate post-consumer soft plastics waste. SPSA is focusing on collection at this stage, but this is only one part of the supply chain.
- SPSA's scheme focuses on post-consumer soft plastics. This ignores the potential of more efficient upstream opportunities to prevent waste generation.

Downstream – Recycling and End Markets

- Recycling is in the public interest but cannot stand alone. Without robust downstream systems, collected material risks being stockpiled, landfilled, or sent to waste-to-energy. Outcomes that undermine both efficiency and environmental benefit.

[DCCEEW's 2025 National Packaging Targets](#) require:

- 100% of packaging being reusable, recyclable, or compostable
- 70% of plastic packaging being recycled or composted
- 50% average recycled content included in packaging
- The phase out of problematic and unnecessary single-use plastic packaging

Meeting these targets requires that recycled plastics displace virgin material, remain in continuous packaging cycles, and are not downgraded into low-value applications such as roads or construction.

Recommendations:

- Authorisation must include enforceable governance mechanisms making brands and retailers accountable for packaging design and upstream plastic reduction, with clear requirements for packaging innovation to prevent waste generation before it reaches consumers.
- SPSA must guarantee that recycle re-enters packaging products, aligned with minimum recycled content standards.
- Levy funds must be transparently allocated to R&D and infrastructure that support viable domestic end markets.
- SPSA must demonstrate contingency measures if end-market demand does not materialise at the required scale.

4. Greenwashing Risks

Consumer confusion is already well documented. [DCCEEW's 2024 consultation paper on packaging reform](#) (2024, p9) reported that 28% of Australians find recycling confusing, 35% report difficulty accessing clear instructions, and 40% want clearer labelling. The paper also highlighted widespread greenwashing in packaging claims.

In this context, SPSA's framing of the Scheme around recycling, while excluding upstream and B2B streams creates a risk of greenwashing by omission. Consumers may be misled into believing the scheme addresses the full scope of soft plastic waste, when it does not.

The Australian Marine Conservation Society (AMCS) raised similar concerns during the conference, noting that the community often overestimates the environmental benefit of recycling and underestimates the importance of waste reduction and redesign.

ACCC's [Making Environmental Claims Guide](#) p16 states that incomplete information is also misleading. By presenting limited recycling as a complete solution, SPSA risks contravening these principles.

The ACCC has already taken enforcement action against misleading environmental claims (e.g. ACCC v Clorox). SPSA's approach risks similar consumer confusion, where limited recycling could be framed as evidence that brands manage all the waste they produce, distracting from the need for upstream change.

Without enforceable conditions requiring full lifecycle accounting and demonstrable producer accountability, the ACCC risks authorising a scheme that legitimises misleading claims which risks eroding public confidence in stewardship arrangements.

Recommendations

The ACCC should only grant authorisation subject to enforceable conditions that prevent greenwashing and ensure full lifecycle accountability. At a minimum, SPSA should be required to:

- Clearly disclose the scheme's scope and limits in all public-facing materials, in line with the ACCC's *Making Environmental Claims Guide*, with independent review of consumer communications.
- Publish and maintain a consumer perceptions risk register identifying potential misunderstandings and how they will be mitigated, with reporting against those risks.
- Subject all consumer claims and scheme promotional activities to independent review to ensure compliance when making claims with regards to environmental benefits.

5. Polluter Pays Principle

The ACCC states that the environmental benefits of SPSA's collaboration outweigh the negatives ([Draft Determination, p.37](#)). ZWV argues this reflects a limited view of environmental benefit.

The polluter pays principle is not applied under the current proposal. Instead of producers bearing the costs of the packaging they create, costs can be shifted onto consumers via a brand imposed levy ([Application](#) p19). This weakens incentives for producers to reduce plastic use or design out waste.

ZWV has raised concerns ([Submission 4 May, p.3](#)) about the limited clarity of levy setting, review processes, and public communication. SPSA's response ([12 June, p.7](#)) commits only to accountability to Scheme Participants, not consumers. If levy costs are passed through supply chains, consumers may remain unaware they are subsidising industry this cost.

Cost-shifting removes market pressure on producers to design better packaging. If brands paid the full cost, they would have stronger incentives to innovate. Passing costs to consumers entrenches inefficiencies.

This is not comparable to structured, regulated eco-modulated EPR fees proposed by DCCEEW under packaging reform. SPSA's approach is vague, unregulated, and risks becoming a symbolic "badge" for members by signalling responsibility while avoiding genuine packaging reduction or design improvement.

Ecologically Sustainable Development ([EPBC Act section 3A](#)) reinforces polluter pays, precaution, intergenerational equity, and fair incentive mechanisms. Any proposal that shifts costs to the public undermines these principles.

DCCEEW [Reform of Packaging Regulation Consultation Paper](#) (p 16, Box 4) acknowledges the reform could take a couple of years to develop and implement. Views were sought on whether earlier regulation on some aspects would help provide certainty for industry in the meantime. A properly regulated scheme would give the public and other stakeholders greater assurances.

We therefore propose the ACCC formally consult with DCCEEW during the authorisation process to ensure alignment with forthcoming reforms, and to consider whether early regulatory measures should be triggered in parallel with an authorisation. Without such coordination and independent governance oversight, the scheme risks providing reputational cover for conflicted members, undermining accountability, and compromising the transition to the stronger producer responsibility framework being proposed by the government.

Recommendation

The ACCC should:

- Require SPSA to demonstrate clear alignment with the polluter pays principle.
- Impose enforceable conditions requiring measurable packaging reduction.
- Consult formally with DCCEEW to ensure alignment with packaging reform and consider triggering early regulatory measures to support SPSA's application.
- Ensure public benefit assessment reflects environmental and public outcomes, not just commercial risks to participants.

6. Costs recovery

SPSA stated ([submission. 4 Sept](#) p5) *“The REDcycle stockpiles contained soft plastics from a wide range of sources, including commercial and industrial sources, and the majority of the packaging contained in the stockpiles were not from retailer-owned brands. Accordingly, the wider industry has a role to play in taking ownership of this issue.”*

ZWV acknowledges that in 2023, Coles and Woolworths, through the Soft Plastics Taskforce, offered to cover the storage and management costs of REDcycle’s stockpiles to prevent landfill disposal. This was widely reported in national media (sources [1. Guardian](#) [2. SMH](#) [3. ABC](#)) and delivered clear reputational benefits. Coles and Woolworths jointly announced the creation of a Soft Plastics Recycling Contribution Fund, with each providing an initial multi-million-dollar contribution and an open invitation for other brand and packaging members to contribute.

However, ZWV has not seen evidence that other brand owners contributed, nor did SPSA indicate otherwise at the conference. It appears Coles and Woolworths carried these costs without secured commitments from broader industry to reimburse them. Both supermarkets are now seeking to recover some of these costs through a proposed \$16 million clawback.

This approach raises several concerns:

- It attempts to claw back costs that were voluntarily committed at the time, which also provided reputational benefits through public recognition of their role in addressing the REDcycle collapse.
- It diverts funds away from public-benefit uses such as R&D, end-market development, and recycling capacity.
- It undermines public trust in stewardship by retroactively shifting costs in a manner inconsistent with genuine producer responsibility.

Industry stakeholders have also expressed opposition to legacy costs being shifted to the new scheme. The Dairy Federation ([17 April](#) p5) stated: “The new scheme should not be unfairly lumbered with funding remediation of legacy stockpiles”. Similarly, Central Adelaide Waste and Recycling Authority (CAWRA), ([3 April](#) p3) cautioned that “it reduces funding available to the expanding soft plastics recycling sector over time”.

Yet SPSA misrepresented CAWRA’s position ([response 12 June](#) p9). CAWRA’s submission expressed concern, but SPSA attributed to them the opposite view, that incorporation of legacy costs aligns with effective stewardship. This reflects SPSA’s own position as noted in the application to the ACCC ([18 March](#), p.21), rather than CAWRA’s actual statement. Such inconsistencies raise questions about SPSA’s accuracy in presenting stakeholder views and reinforce the need for independent oversight and non-conflicted governance.

SPSA further argues that cost pass-through is an important component of product stewardship, particularly in a voluntary scheme ([SPSA response after draft decision, p.6](#)). ZWV recognises that this may incentivise scheme participation by allowing companies to shift responsibility by passing costs onto consumers.

However, during the conference SPSA stated the levy is optional and that many brand owners are unlikely to apply it to consumers. This creates a contradictory position. SPSA describes cost pass-through as a core feature in its application ([18 March](#), p.19), yet also downplays the likelihood of it occurring.

Recommendation

Any approval of supermarket and brand collaboration must be subject to enforceable conditions that:

- Disallow concessions for REDcycle legacy stockpile costs, including the proposed \$16 million clawback.
- Require that all scheme funds are allocated to future activities, including R&D, viable end-market development, and domestic processing capacity, and that payments demonstrably deliver those outcomes.
- Acknowledge that supermarkets gain incidental commercial benefits from in-store collection points (through customer traffic and goodwill), and require that all stewardship contributions are applied to future oriented recycling outcomes
- Mandating independent governance and oversight, with non-conflicted directors and transparent stakeholder engagement to ensure accuracy, accountability, and public trust.

7. Governance

The most fundamental weakness in SPSA's application is conflicted governance. The scheme is led by supermarkets and brand owners, the very entities responsible for placing problematic plastics on the market. This creates inherent, ongoing conflicts of interest that compromise accountability and risk putting commercial priorities ahead of environmental and public outcomes. These conflicts were not addressed in the ACCC's draft determination and formed the foundational reasons for requesting this conference.

Conflicts of Interest

ZWV raised from the outset (submissions of [4 May](#) and [25 August](#)) that SPSA's board is controlled by supermarket and brand representatives with strong commercial incentives. With only two independent directors out of ten, decision making risks being skewed

towards minimising costs, protecting reputations, and maximising PR value rather than prioritising public benefit outcomes. It's likely that every concern raised about life cycle, greenwashing, polluter pays, reimbursements, or scheme priorities would be managed differently if the board were not dominated by conflicted directors.

These conflicts are structural, not incidental, they are embedded in the scheme's governance design and must be managed with enforceable conditions to protect public interest.

International Governance Comparisons

In its responses, SPSA compared itself to European schemes such as Verpact (Netherlands) and Fost Plus (Belgium) (*SPSA responses to interested party submissions*, [12 June](#), p.4, [4 September](#), p.7). Such comparisons should be treated with caution. Those models operate under regulatory frameworks, with enforceable governance safeguards which don't yet exist in Australia.

In addition, since SPSA first made this comparison, Europe's plastic recycling sector has entered a crisis, with recyclers on the verge of collapse ([SupplyChainMovement Plastics Recyclers Europe](#)). This highlights that comparison to overseas examples does not address the structural governance risks that are applicable to SPSA in the Australian context.

ACNC and Transparency

SPSA is registered with the Australian Charities and Not-for-profits Commission (ACNC). Under ACNC rules, a not-for-profit's assets and income must be applied solely to further its objects and cannot be distributed to members, except as genuine reimbursement of expenses properly incurred for goods or services provided, which is standard practice in not-for-profit entities. [ACNC guidance](#)

Despite this, SPSA has proposed a \$16 million reimbursement to Coles and Woolworths, conditional on their continued membership in the scheme ([SPSA's response to ACCC request for further information 21 July](#)). SPSA stated: *"As set out in SPSA's Application, the proposed contribution is subject to ongoing Scheme participation from each of Coles and Woolworths respectively. In other words, if Coles or Woolworths cease to be a Scheme Participant at any time during the term, they will not receive the stockpile contribution amount for the relevant year(s) that they are not Scheme Participants."*

This arrangement is a direct financial benefit tied to participation. It does not reimburse SPSA's expenses, as these are costs of the supermarkets that were incurred before SPSA existed. Shifting them into the scheme would convert a corporate cost into an obligation of a registered not-for-profit, a structure that is not intended to absorb members' liabilities. This is inconsistent with ACNC requirements.

Further, SPSA's constitution submitted with its ACCC application ([18 March](#)) contained a clause permitting distributions to members with "similar objects." Given SPSA's broad objects, such a clause could have created a loophole for member distributions, including proposals such as the \$16 million clawback. This raises clear accountability concerns.

The version ultimately registered with [ACNC on 23 June 2025](#) does not include this clause, suggesting it was removed in order to comply with not-for-profit requirements. Yet there is no evidence the ACCC was notified of this change in the documents we have reviewed.

The result is that the ACCC's draft determination was made on the basis of an earlier constitution that allowed member distributions, while the version that now governs SPSA does not. This lack of disclosure has two implications:

1. The ACCC did not have full visibility of governance risks and implications at the time of assessment.
2. SPSA appears to be pushing the boundaries of member benefits within a framework that ought to have strict independence.

This track record highlights a failure of transparency and reinforces the critical requirement of non-conflicted governance through independent directors.

Commercial sensitivity

SPSA's constitution includes an object to "ensure confidentiality of members' commercially sensitive data." While some level of protection is reasonable, the absence of a clear definition of "commercial sensitivity" creates the risk of overreach. Information essential to accountability or environmental outcomes could be withheld under the guise of protecting member interests.

Other constitutional objects, such as minimising costs, undertaking promotional activities, or advocating for legal changes, are not unreasonable in themselves. However, without safeguards they create a pathway to which risks advancing members' commercial or reputational interests under the cover of stewardship, rather than maximising environmental and public benefit.

Stronger Oversight is Essential

When considered together with conflicts of interest, limited independence, constitution changes not disclosed, and ambiguous commercial sensitivity protections, SPSA's governance structure cannot credibly deliver public benefit without enforceable safeguards. Independent governance, clear conflict-of-interest policies, transparency requirements, and restrictions on payments to members are therefore essential conditions of any authorisation.

Recommendations

- SPSA disclose to the ACCC any constitutional amendments or governance policy changes provided to ACNC, including removed, amended, or proposed clauses.
- No scheme funds to be distributed to members except for reimbursement of expenses properly incurred in carrying out scheme activities.
- Explicitly prohibit the \$16 million clawback.
- Clearly define “commercially sensitive information”, limited to genuine trade secrets or competitive data, not matters affecting accountability, environmental or public outcomes.
- Publish a transparency framework outlining what information will be disclosed publicly and what can legitimately be withheld.
- Commit to public reporting of when and why commercial sensitivity is claimed, so regulators and stakeholders can verify that withholding is justified.
- Ensure board decisions and SAC recommendations relating to levy allocation, labelling, or scheme promotion are fully documented and independently reviewed, to prevent member interests being prioritised over environmental outcomes.

8. Proposed Conditions

Authorisation must only be granted with enforceable conditions to safeguard public interest, protect environmental outcomes, and address systemic governance conflicts.

While SPSA has presented the scheme as delivering recycling and stewardship benefits, significant risks remain. These include conflicts of interest, lack of independent oversight, selective disclosure of information, and the possibility of funds being diverted to member benefits rather than future solutions. Without enforceable conditions, there is a real risk the scheme could entrench greenwashing, amplify the commercial dominance of supermarkets and major brands, and fail to deliver verifiable public interest outcomes in recycling and waste avoidance.

Accordingly, ZWV recommends the ACCC impose conditions across four key domains: governance, transparency, lifecycle accountability, and environmental outcomes. These conditions should align with ACNC not-for-profit obligations and take into account DCCEEW’s position on national packaging regulation reform, while recognising the challenges of overlapping responsibilities across multiple regulators and the need for consistency in governance and accountability expectations.

1. Governance

- At least 50% of the SPSA board to be independent directors, appointed through a transparent process, with no financial or governance associations to member companies.
- Appointment of a government/regulatory observer with the authority to veto board decisions that present clear conflicts of interest or fail to demonstrate public benefit.
- A published Conflict of Interest policy for both the SPSA Board and Stakeholder Advisory Council (SAC), with mandatory disclosure of conflicts and public reporting on how these are managed.
- Where the SPSA Board does not adopt a recommendation of the SAC, it must publish a statement of reasons to ensure accountability and transparency.
- Prohibit member clawbacks or special payments. Payments to members and SAC should only be permitted where expenses are directly incurred in carrying out scheme activities or for goods and services provided on terms no more favourable than if the entity were not a member.
- Mandatory disclosure of all proposed and actual constitutional changes, governance amendments.

2. Transparency

- SPSA to publish a transparency framework setting out what information can legitimately be withheld, and how the parameters of this will be made public.
- Clear and narrow definition of “commercially sensitive information”, limited to genuine trade secrets/competitive data, to prevent overreach that undermines accountability.
- Public reporting on when and why commercial sensitivity is claimed, with ACCC oversight to ensure withholding is justified.
- Public disclosure of levy allocation, board decisions and SAC recommendations, with independent review to verify that funds and decisions serve public benefit rather than commercial benefit (unless the benefit is incidental).
- Proactive disclosure of all governance, financial, or operational changes, with breaches treated as grounds for penalties.

3. Lifecycle Accountability

- SPSA must demonstrate alignment with the polluter pays principle, precautionary measures, and equitable cost allocation across the supply chain.
- Governance mechanisms must hold supermarkets and brand owners accountable for packaging choices across the full lifecycle, not just post-consumer collection.
- SPSA must publicly disclose how the levy is calculated, how funds are allocated, and whether costs are passed through to consumers or absorbed by producers.
- Recognition that supermarkets gain reputational and commercial benefits from hosting collection points.
- Inclusion of cleaner, higher-value commercial streams (e.g., pallet wrap, factory films) to support system viability. Unless these streams are managed on scale through other means.

4. Environmental Outcomes

- Requirements for innovation, upstream waste reduction, and investment in sustainable alternatives to problematic plastics.
- End-market guarantees requiring recyclate to be re-used in packaging or other high-value applications, with clear minimum recycled content targets.
- Transparent allocation of scheme funds toward R&D, infrastructure, and market development for viable domestic recycling solutions.
- Establishment of a risk register identifying consumer greenwashing risks and measures to address them.
- Performance safeguards to prevent SPSA, during or after the authorisation, from exiting with the claim that “not enough viable end-market exist” unless it can demonstrate it invested adequately in demand creation and market development.
- Prioritisation of efficiency by phasing out problematic single-use plastics where alternatives exist, recognising that the most effective waste is that which is not produced.

In summary, authorisation should not be granted on the basis of trust in SPSA's voluntary governance. Instead, enforceable conditions are essential to ensure the scheme delivers verifiable public benefit, prevents members commercial interests from undermining outcomes, and ensures measurable progress toward plastic reduction, recycling, and market development.

Please do not hesitate to contact me at [REDACTED] if you have any questions or require further clarification regarding the points raised.