

College of Design and Social Context, RMIT University

Submission to the Senate Environment and Communications Legislation Committee on the Extended Producer Responsibility Scheme for Packaging (No Time to Waste) Bill 2026

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This submission is made by:

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This submission represents the views of the authors only and does not necessarily represent the position of RMIT University generally.

We acknowledge the people of the Woi wurrung and Boon wurrung language groups of the eastern Kulin Nation on whose unceded lands we conduct our research. We respectfully acknowledge their Ancestors and Elders, past and present.

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1. Introduction

We welcome the opportunity to provide a submission to the Senate Environment and Communications Legislation Committee on the Extended Producer Responsibility Scheme for Packaging (No Time to Waste) Bill 2026. Extended Producer Responsibility (EPR) is an important policy that makes responsible persons pay for collecting, managing, and recycling their packaging. Money from fees charged to responsible persons funds household waste and street bin collection, recycling, and disposal, helping cut unnecessary packaging, improve material quality, and reduce litter nationwide. However, how this scheme is planned determines how effective, efficient and equitable the outcomes are. We have prepared a submission to the Senate in response to the bill, outlining the main points that need attention.

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Dr Bhavna Middha – School of Global, Urban and Social Studies, RMIT University

Bhavna is an Australian Research Council (ARC) funded Discovery Early Career Researcher Award (DECRA) recipient and a Senior Research Fellow. Bhavna is based at the world-leading Centre for Urban Research in the School of Global, Urban and Social Studies, where she is the Deputy Associate Director of the Regenerative Environments and Climate Action Theme. She is a sustainable consumption scholar and a social practice theorist. Her DECRA research titled “Tackling food-related single-use packaging and plastics in diverse consumption contexts” aims to investigate the uneven impacts of interventions that target consumers’ engagement with single-use food plastics by utilising critical social science approaches. Expected outcomes of this project include conceptual and methodological approaches that enhance societal capabilities for practicable waste reduction and management. This will provide significant benefits by improving Australia’s capacity to develop and integrate lived experiences of single-use food plastics into the current and future National Waste Policy and National Plastics Plan.

Professor Ralph Horne – School of Property Construction and Project Management

Ralph Horne is Professor of Urban Geography in the College of Design and Social Context at RMIT University. His research concerns the spatial, technological, social and policy dimensions of urban environments facing accelerating climate change and inequalities. Current topics include housing energy efficiency, electrification, consumption, waste and circularity. His contributions to the field are centred on LCA studies of packaging and plastics and, more recently, relational analyses and insights that open up new pathways towards sustainable households and consumption systems, beyond normative market, technology and behavioural approaches.

Dr Kajsa Lundberg - School of Global, Urban and Social Studies, RMIT University

Kajsa is a Research Fellow in the Centre for Urban Research in the School of Global, Urban and Social Studies. She currently works across two separate projects: the Australian Research Council-funded Industrial Transformation and Research Hub - Transformation of Reclaimed Waste Resources to Engineered Materials and Solutions for a Circular Economy (TREMS) and an ARC-funded DECRA project on single-use packaging and plastics led by Dr Bhavna Middha. Kajsa earned her PhD in 2023 from the University of Melbourne with a thesis which considered more-than-human harms, climate change, and fires that result from the ways that urban areas are developing and expanding. In 2022, as the Melbourne Centre for Cities Research Fellow of Urban Innovations, she led a participatory research project with the Global Covenant of Mayors (GCoM) that explored the potential of a global research agenda for cities.

Professor Lukas Parker – School of Media and Communication

Professor Lukas Parker is a leading communication for social change scholar, whose research sits at the nexus of behaviour change, communicating health and digital communication. Leading teams of researchers, his research addresses pressing social problems related to health and sustainability. Professor Parker leads 3C (Communication and Change Co-lab) that undertakes projects that create change through communication - whether that be social, behavioural, or cultural. His highly applied research has informed and assessed social and behaviour change communication campaigns and government policy. He recently led the End Food Waste Date Labelling project to a) understand consumers’ perceptions and comprehension of existing

labelling and storage advice systems, and how they determine the freshness of foods, and 2) establish the barriers and facilitators for change around the issue of date labelling and storage advice systems and their role in reducing consumer food waste.

In this submission, we address sections 4, 5, and 8 and provide recommendations for consideration by the Senate Environment and Communications Legislation Committee.

2. Summary of Recommendations

- We recommend that online marketplaces be included in the category of responsible persons so that unregulated packaging, which is sometimes overlooked amid the focus on imported primary materials, is subject to the sustainability and recyclability standards for domestic packaging.
- We recommend that reuse targets be set as a priority in 2e[ii] as well, and ‘refill’ be included in objective 2e [1]
- We recommend that Part 2 (Objectives) state that the EPR scheme is working towards Australia's Circular Economy Framework (DCCEEW, 2024) and Net Zero by 2050 (DCCEEW, 2025a).
- We recommend that the term ‘compostable’ be clearly defined in the Bill, or in legislative instruments made under it, by reference to recognised technical standards (such as set out by APCO).
- We recommend that all packaging (domestically produced and imported) be subject to the EPR Act, and that it be added in 2e[iii] how imported packaging would include recycled content.
- The eco-modulated fees (s 5(2)(g)) should be structured to strongly privilege reusable packaging over single-use packaging (including recyclable and compostable formats), for example, by applying minimal or zero fees to certified reusable systems and higher fees to single-use options. This will ensure that a mechanism is placed in the Act which ensures that modulation fees do not produce adverse practices that would increase carbon emissions through manufacturing packaging with virgin materials, especially plastics, and by promoting lightweight single-use plastic over durable, reusable glass. We also recommend that the eco-modulated fees be flexible so that the government can adjust the price of the fees, encouraging businesses to decrease their impact on the environment—the more sustainable the packaging system, the lower the price.
- We recommend initiating further research into consumer and industry practices related to essential packaging and related services, first to ensure they do not disadvantage vulnerable populations or supply chains, and second to understand potential alternatives for such essential packaging and services (Parker and Brennan, 2026; Brennan et al., 2023; Middha et al., 2025a).
- We recommend that the EPR Act adopt a precautionary approach to risk from toxic and forever chemicals (Middha et al., 2025a). We recommend that the removal of toxic chemicals and monitoring be included as a mandatory target in the EPR scheme (rather than voluntarily phasing out PFAS from fibre-based food contact packaging (APCO, 2026). We recommend that the EPR Act follow best practice standards and targets being set in Europe and other countries and leading jurisdictions (Middha et al., 2025a; EUR-Lex 2024), such as more types of toxic chemicals and lower tolerances of toxic chemicals in packaging, especially food contact packaging.
- We recommend that engagement with customers go beyond just awareness and education and include co-design of spaces, infrastructures and incentives.
- We recommend that Part 2 [h] should include protecting consumers from additional responsibility without adequate compensation.

- We recommend that Part 2 [h] should include consumer protection from misleading and confusing information about the characteristics and appropriate end-of-life treatment of packaging
- We recommend that EPR reporting of packaging data be included as an objective of the Act. This will ensure that the monitoring and review of the scheme are done regularly by assessing evidence-based data. This is important, for example, to establish what kinds of plastics and packaging are in the market, and those that are not easily recyclable. We recommend following the European approach of reporting and recording (Somlai et al., 2023), categorised as ‘packaging placed on the market’ and ‘waste analysis’.

3. Responses to the Bill

A. Clarity regarding foreign online marketplaces as responsible persons

In Part 1 (section 4 – Definitions), responsible persons must be defined comprehensively to clarify how responsibility is distributed equally and comprehensively. Foreign online marketplaces do not appear to be included in the responsible persons category. These are companies or individuals that operate a marketplace where non-Australian sellers can sell filled or empty packaging to Australian consumers. It therefore misses out on significant amounts of imported packaging that enter the supply chain without complying with the EPR Act's reuse/recycling/compostable requirements.

Recommendations

1. **We recommend that online marketplaces be included in the category of responsible persons so that unregulated packaging, which is sometimes overlooked amid the focus on imported primary materials, is subject to the sustainability and recyclability standards for domestic packaging.**

B. Prioritising reduce, ‘refill’ and reuse for Australia’s circular economy and climate neutrality goals

We understand that section 5 [2] Objective e[i] sets out requirements for all products, whereas section 5 [2] Objective e[ii] is a specific target for plastic products and that these are both agreed APCO targets, which will be made mandatory under the EPR scheme. However, the Act precludes ‘refill’, an important aspect of reducing production of new packaging. While objective 2e[i] gives equal weightage to reuse, recycling and composting, section 5 [2] Objective e[ii] leans towards recycling and composting (70%), prioritising end-of-pipe solutions for plastics. This 70% target precludes achieving more than 30% reuse for plastics. The waste hierarchy (DCCEEW, 2025a) and Australia's Circular Economy Framework (DCCEEW, 2024) require that the reduction of packaging production and reuse be the priority practices to control emissions through waste.

Recommendations

2. **We recommend that reuse targets be set as a priority in 2e[ii] as well, and ‘refill’ be included in objective 2e[i]**
3. **We recommend that Part 2 (Objectives) state that the EPR scheme is working towards Australia's Circular Economy Framework (DCCEEW, 2024) and Net Zero by 2050 (DCCEEW, 2025b). This will ensure that any objective does not produce adverse practices that would increase emissions or waste, for e.g., by promoting lightweight plastic over durable, reusable glass, or by sending unrecyclable waste to Energy from Waste incinerators.**

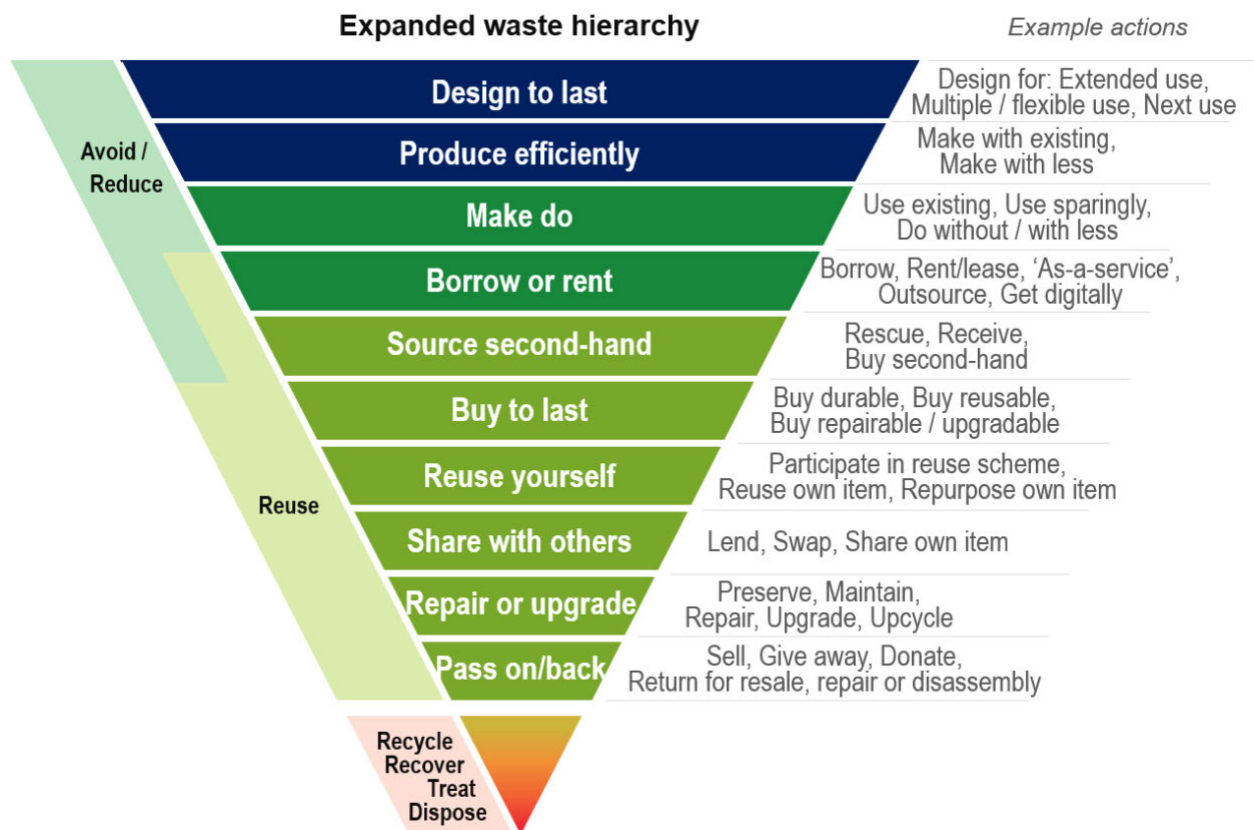


Fig 1: Expanded waste hierarchy (DCCEEW, 2025a)

C. Clearly define compostable packaging and collection requirements

Recent life-cycle studies of compostable plastic packaging in the EU (Cristóbal et al., 2023) show that, while compostable packaging can deliver some environmental benefits, these are often limited by low material volumes and the high cost and complexity of separate collection and treatment. Biodegradable plastic packaging can severely compromise recycling processes and quality, and industrial composting is expensive and requires complex, controlled infrastructure for certified and correctly labelled compostable items (Gioia et al., 2021). Given the high cost and complexity of building and operating industrial composting systems, producers should prioritise elimination and reusable packaging solutions over compostable single-use packaging wherever practicable (Middha and Horne, 2024c). As identified in the Australian Compostable Packaging Strategy (APCO, 2021), there is a lack of clarity among both consumers and organics recyclers about which materials are compostable and which are not. In addition, there are limitations in recycling many of the packages that are labelled compostable. We suggest, following the advice of the Australian Compostable Packaging Strategy (APCO, 2021), that industrial composting should be defined using the Australian Standards (AS 4736-2006) and for domestic composting (AS 5810-2010).

Recommendations

- We recommend that the term ‘compostable’ be clearly defined in the Bill, or in legislative instruments made under it, by reference to recognised technical standards (such as set out by**

APCO). The definition should distinguish between industrially compostable and home compostable packaging and require certified compliance with these standards.

D. Ensure recyclability of and required recycled content in imported packaging

Objective 2e[iii] stipulates 30% Australian recycled content in all packaging, but the Act does not clarify how imported packaging would be subjected to this stipulation in this instance.

Recommendations

- 5. We recommend that all packaging (domestically produced and imported) be subject to the EPR Act, and that it be added in 2e[iii] how imported packaging would include recycled content.**

E. Specify the parameters of the eco-modulation fees

The Act does not specify the parameters of the eco-modulation fees mentioned in section 5(2)(g); beyond that, they will be calculated based on the recyclability or the manufactured quantity of their packaging. This does not currently include or privilege reuse or reduction.

Recommendations

- 6. The eco-modulated fees (section 5(2)(g)) should be structured to strongly privilege reusable packaging over single-use packaging (including recyclable and compostable formats), for example, by applying reduced fees to certified and implemented reusable systems and higher fees to single-use options. This will ensure that a mechanism is placed in the Act which ensures that modulation fees do not produce adverse practices that would increase carbon emissions through manufacturing packaging with virgin materials, especially plastics and by promoting lightweight plastic over durable, reusable glass. We also recommend that the eco-modulated fees be flexible so that the government can adjust the price of the fees, encouraging businesses to decrease their impact on the environment—the more sustainable the packaging system, the lower the price.**

F. Clearly define unnecessary and problematic plastics

Objective e[iv] needs to be more specific in identifying or defining ‘problematic and unnecessary single-use plastic products’. While the act notes that unnecessary and problematic plastics should be phased out, there is no clear definition or description of what constitutes essential/non-essential or problematic plastics in the system. Moreover, customers and users of the materials and services, including these problematic plastics, need to be provided with alternatives before they are phased out. This means that the community and the producers/retailers need to be supported (financially, resource provision, access) in the use and provision of alternatives. Furthermore, in terms of the toxic and restricted substances in packaging, the Act does not specify how risk will be assessed for problematic plastics and how they will be defined and identified.

7. **We recommend initiating further research into consumer and industry practices related to essential packaging and related services, first to ensure they do not disadvantage vulnerable populations or supply chains, and second to understand potential alternatives for such essential packaging and services (Parker and Brennan, 2026; Brennan et al., 2023; Middha et al., 2025a).**
8. **We recommend that the EPR Act adopt a precautionary approach to risk from toxic and forever chemicals (Middha et al., 2025a). We recommend that the removal of toxic chemicals and monitoring be included as a mandatory target in the EPR scheme (rather than voluntarily phasing out PFAS from fibre-based food contact packaging (APCO, 2026)). We recommend that the EPR Act follow best practice standards and targets being set in Europe and other countries and leading jurisdictions (EUR-Lex 2024; Middha et al., 2025a), such as more types of toxic chemicals and lower tolerances of toxic chemicals in packaging, especially food contact packaging.**

G. Paying attention to consumer practices beyond education and awareness

In Part 2, Objective (h), consumers are mentioned only in the context of supporting ongoing consumer education and awareness of matters related to the scheme. Consumers, while generally not subject to specific legal requirements under EPR, are instrumental to the program's effectiveness. Thus, attention should be paid to the inclusion and capability of consumers to ensure the scheme does not inadvertently disadvantage them (Horne and Middha, 2024), for example, incentives and fees should be proportionate to the labour that is expended in sorting, segregating and disposal of recyclable products. Everyday practices and essential requirements for running the daily lives of householders and consumers should be considered, while for the EPR scheme, such as their level of role and responsibility in reverse logistics and maintenance of the quality of products (Middha and Horne, 2025). Furthermore, there might be certain sites, such as apartments and multi-unit developments, that are difficult to access or overlooked in conventional waste management processes (Middha and Horne, 2023; Middha and Horne, 2024a; Middha and Horne, 2024b; Middha et al., 2025b).

Recommendations

9. **We recommend that Part 2 [h] (engagement with customers) go beyond just awareness and education and include co-design of spaces, infrastructures and incentives.**
10. **We recommend that Part 2 [h] should include protecting consumers from additional responsibility without adequate compensation.**
11. **We recommend that Part 2 [h] should include consumer protection from misleading and confusing information about the characteristics and appropriate end-of-life treatment of packaging**

H. Include data reporting and monitoring in the Bill

The objectives (section 5[2]) of the report do not include data reporting within the scheme, which is an important part of keeping track of the characteristics and quantity of packaging. Furthermore, Section 8 stipulates a periodic review of the extended producer responsibility scheme. Recording and reporting waste data is an important step towards reducing plastics and packaging, managing waste and decarbonising society as they do in the UK scheme (Smith, 2026; Somlai et al., 2023). The lack of waste data in Australia is

a huge concern and remains one of the main barriers to the efficient and inclusive implementation of the circular economy principles and strategies (Agarwal et al., 2020; Leslie et al., 2025; Middha and Horne, 2024a).

Recommendations

12. **We recommend that EPR reporting of packaging data be included as an objective of the Act. This will ensure that the monitoring and review of the scheme are done regularly by assessing evidence-based data. This is important, for example, to establish what kinds of plastics and packaging are in the market, and those that are not easily recyclable. We recommend following the European approach of reporting and recording (Somlai et al., 2023), categorised as ‘packaging placed on the market’ and ‘waste analysis’.**
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Thank you for considering our submission. Please do not hesitate to contact us with any questions and queries.

Yours sincerely,
Dr Bhavna Middha

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