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Strengthening post-market regulation of unsafe products
Submission to the Australian Government Treasury
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Dear Treasurer,

I welcome the Australian Government's review of Australia's post-market product safety framework and the examination of options to improve recalls and reporting, strengthen regulatory intervention and enforcement, and enable regulators to identify and respond to product safety risks more quickly. This has great relevance to multiple product categories, from electrical and electronic products and batteries to furniture and tyres.

While stronger regulatory powers are important, I encourage Treasury to consider how effective product stewardship delivered by appropriately governed Producer Responsibility Organisations (PROs) can provide much of the organisational and operational infrastructure and sector-specific expertise needed to prevent, identify, manage and remove unsafe products from the Australian market. Indeed, international experience shows that one expert PRO can achieve far more, more efficiently and continuously adapt to ever changing products and markets, than governments can hope to achieve themselves through the current system.

I urge you to recognise the power of good producer responsibility schemes and one national regulator, and applied that system in Australia for ongoing benefit for all Australians and producers now and into the future.

What is EPR (Extended Producer Responsibility)?
EPR is a proven regulatory and financial instrument that requires producers to take responsibility for their products through to end of life. It comprises three parts:

1. National regulations to establish a PRO
2. National Producer Responsibility Organisations (PROs)
3. National regulator for PROs and producers.

Producers typically comply with national regulations by joining an industry-led Producer Responsibility Organisation (PRO) and pay levies for the PRO to fulfil their obligations on their behalf. Over 80 developed and developing nations around the world have adopted EPR to manage problematic and/or priority product categories, with the earliest regulated in 1980s. Such schemes typically cover complex products such as:

- Electronic goods
- Batteries
- Tyres
- Packaging.

Canada has schemes for mattresses, tyres, packaging, electronics and paint to name a few. France has 20 schemes which also includes furniture, mattresses, toys, solar PV systems.

In all instances the original purpose of a scheme is to improve collection and recycling. Over 20 years several of these schemes have evolved to also improve in a harmonised and efficient way the eco-performance of products through eco-modulated fees. These are matters Australia is trying to address via a more rigid and complex web of multiple government, multi-level regulations. Australia cannot possibly hope to keep up with ever changing products this way.

Using eco-modulation to prevent unsafe products
Under an eco-modulated fee structure product stewardship fees vary according to specified characteristics of products placed onto the market. Government could consider allowing product safety to form part of those eco-design criteria.

For example, producers whose products meet recognised safety standards, demonstrate safer design or use components and battery systems that reduce identified safety risks could receive lower scheme fees (bonus levy). Conversely, products presenting greater lifecycle or safety risks, or those that are less environmentally sustainable could attract higher fees, where objectively justified (malus levy). As I describe in detail in my July 2026 report, the beauty of eco-modulated fees is in the fact that the fees are reviewed and set by an independent, expert panel in a process that draws on market intel and extensive real data, and fees can be readily adjusted annually according to market trends, product trends and costs.

Importantly, eco-modulation could complement, rather than substitute for, mandatory product safety standards and regulatory enforcement. Its value is in creating an equitable, universal financial signal that rewards producers for designing and providing safer and improved products. It is highly elegant, adaptive, equitable and efficient.

The case study below is of the French electronic goods program Ecologic from my July 2026 report *'The Future of Producer Responsibility in Australia: International Solutions that will fix a broken system'*. As I outline in my report, and noted by the OECD, many national government authorities and competent schemes, eco-modulated fees are an excellent innovation and step up from basic-EPR fee systems. In the case of Italy, they have been in place since 2010 and are resulting in proven improvements in the lifespan, efficiency and repair of products and packaging.[i] They are also successfully decoupling economic growth from waste and improving national productivity.

'5.8.1 Case Study: French citizens and businesses benefit from better electronic goods
France was the first nation to extend the eco-modulated fee system to another product category from packaging to apply it to electronic goods (2010-15) initially applying it to a single product type. Since 2015, the French NFP PRO Ecologic has expanded the system to 18 of their covered product categories from mobile phones to laptops and washing machines. This gradual expansion of eco-modulated fees is driving important productivity improvements across the French economy for the benefit of citizens and businesses.
Ecologic's criteria are designed to aid the circularity of products, not merely recycling, as follows:

- *Post-consumer recycled plastic content*
- *Ease of disassembly*
- *Ease of upgrade*
- *Availability of spare parts*
- *Availability of technical information to facilitate professional repair*
- *Lack of coatings that can inhibit recycling*
- *Lack of hazardous substances (any brominated flame retardants*
- *all LED (lamps only).[ii]'*

Product stewardship could strengthen Australia's product safety system
As this case study shows product stewardship places responsibility on those who design, manufacture, import and supply products to consider their impacts throughout the product lifecycle. With effective regulations and regularly updated contract agreement between the PRO and government, the PRO can alter their fee structure, guidance and monitoring to result in improved product safety alongside environmental performance, durability, repairability, reuse and end-of-life management.

This has particular relevance as Australia responds to increasingly complex products, including electrical and electronic equipment and products incorporating lithium-ion batteries and the proliferation of small electrical and electronic products. Rather than establishing product safety regulation and product stewardship as separate policy streams, Government has an opportunity to connect them via EPR and enable them to flex over time.

PROs provide ready-made infrastructure and systems
As outlined in my report, properly governed PROs provide a practical bridge between regulators, producers, retailers, recyclers and consumers. Most schemes around the world are operated as Not-For-Profit entities and are not vertically integrated with producers, collectors or businesses in the supply chain. In this way they can deliver for public benefit according to government targets and requirements.

Where a product covered by a stewardship scheme is found to be unsafe, an established NFP PSO could support government with:

- rapid communication with participating producers, retailers and supply-chain partners;
- consumer notification and education;
- accessible collection and take-back arrangements for recalled products;
- safe transport, storage, treatment and recycling or destruction;
- traceability and reporting on products collected and removed from circulation; and
- consolidated data that can assist the PRO, industry and regulators to identify emerging product risks.

This approach could reduce the administrative and operational burden on government regulators, allowing them to concentrate on setting eco-design requirements, monitoring compliance and taking enforcement action and issuing penalty fines. As I outline in my report established PROs in US and EU, for example, coordinate appropriate industry-funded implementation, industry training, recovery activity and regular nation-wide public education.

The Government has stated that speed matters when an unsafe product reaches the market and that the reform should help recalls operate more effectively. An independent expert PRO with extensive detailed knowledge of the products, trends, participants and supply chain can use its data systems and communications channels, industry relationships and national collection networks to respond. Ideally also PROs and their systems with producers and retailers address issues before they arise.

Recommendation
I recommend that Treasury (and working in partnership with the Department of Climate Change, Energy the Environment, and Water and the National Environmental Protection Agency) explicitly recognise the advantages of regulated national product stewardship.

By quickly using its existing legislative power to regulate for national schemes the Australian Government will put Australia on par with comparable developed nations and ensure that Australian are not subject to inferior products no longer permitted or suited to other nations.

The sooner it does so the Government will ensure that future PROs can support the government and industry with efficient product recalls and cost-effective management of unsafe products long into the future.

In particular, the framework should:

1. enable the establishment of national regulated priority producer responsibility schemes
2. allow regulators to utilise established PRO infrastructure rather than unnecessarily duplicating collection, communications and data systems;
3. establish clear information-sharing arrangements between regulators, producers and PROs;
4. enable those PROs to coordinate collection, safe handling, recovery and reporting for unsafe and recalled products; and
5. enable stewardship schemes to use appropriately designed eco-modulated fees to reward improved eco-product design and help internalise the greater costs and risks associated with problematic products.

Australia has an opportunity to build a new superior, internationally aligned system that does more than improve the recall of unsafe products. By integrating product safety into product stewardship, the Government can establish a lasting and flexible framework that helps minimise unsafe products entering the market, makes industry more responsible for addressing problems when they occur, reduces the real cost and implementation burden on government and citizens and creates strong economic incentive for improved product design.

For more on the above, please refer to my July 2026 report. I would be pleased to talk with you at your convenience.

Kind regards,

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Australian Lead, Climate Action for Associations, UK
Non-Executive Director, Solving Plastic Waste Australian Commonwealth Research Centre Board

[i] OECD, Modulated fees for extended producer responsibility schemes, 2021
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[ii] Rethink Plastic Alliance, Extended Producer Responsibility and Ecomodulation of Fees Report, 2021
https://rethinkplasticalliance.eu/wp-content/uploads/2021/08/Ecologic-report-EPR-and-ecomodulation-August2021-1.pdf