

Mr Gavin Jones
Director Adjudication
Australian Competition and Consumer Commission (ACCC)
By email
Cc: Mr Ben Janover, Analyst

Dear Mr Jones

2nd February 2024

Re: Tyre Stewardship Australia (TSA) re-authorisation submission

The Australian Tyre Recyclers Association (ATRA - see Appendix 1 for information about ATRA, its members and function) thank you for the letter dated 14 December 2023 offering an invitation to make a submission for the **Tyre Stewardship Australia Limited application for revocation of authorisation AA1000409 and substitution of AA10000655**.

Your letter states that *TSA is seeking authorisation for specific provisions of the guidelines which govern the Scheme*. ATRA hereby provides this document to discuss Australia's Tyre Stewardship Scheme (the Scheme), implemented by Tyre Stewardship Australia (TSA) with a focus on the following:

- the way the specific provisions of the guidelines have been enacted during the current authorisation period
- how the guidelines can be improved to better meet the objectives of the Scheme
- how the Scheme can work to the betterment of the whole end-of-life tyre supply chain, including provisions to ensure transparent and ethical behaviour that supports a fair and competitive market.

ATRA POSITION:

ATRA supports the re-authorisation of the Scheme. However, ATRA asserts that re-authorisation of the Scheme should only be given subject to the following conditions:

1. At least one tyre recycler position is created on the TSA Board (refer Section 3, Governance, of the submission) and within 6 months of the authorisation renewal date.
2. Public claims made by TSA are reviewed by ACCC to ensure they are 'accurate and truthful'.
3. TSA is required to publicly clarify inconsistencies in the publishing of data and acknowledge that recent media releases could be construed as misleading (refer Section 2, Data and Reporting, of the submission).
4. TSA reporting protocols and KPI's are reviewed to ensure transparency (of methodology, assumptions, categories etc), broaden their reach to include tonnes of materials processed, into which products and to which markets (offshore and domestic) and clearly outline outcome attribution.
5. ACCC to appoint and manage independent consultants for scheme and organisational reviews to ensure against bias and build trust and transparency in TSA (and other similar schemes)

ATRA contends that TSA may be undertaking activities that could be perceived to be outside the Scheme guidelines and associated ACCC determination parameters. As such, a re-authorisation with conditions is required to ensure the proper functioning of the Scheme, as per the guidelines and expectation of government, industry and consumers.

The conditions proposed by ATRA would ensure that TSA is better positioned to:

- meet Scheme objectives in a transparent and ethical manner (as specified as the Scheme intent in the Guidelines)
- better represent the interests of the end-of-life tyre (EOLT) supply chain
- avoid perceptions of collusive and anti-competitive behaviour to the exclusion of the tyre recycling industry.

EXECUTIVE SUMMARY

The submission is undertaken in four parts:

1. SCHEME OVERVIEW: STRUCTURE AND OBLIGATIONS OF TSA AND PARTICIPANTS

Outlines scheme underpinning, function and obligations on TSA and Scheme participants.

2. DATA AND REPORTING FUNCTION: TSA INCONSISTENCY IN REPORTING AND LACK OF TRANSPARENCY

Instances where TSA has used data and revenue in a manner that could be perceived to be outside of Scheme guidelines and associated ACCC authorisation.

3. GOVERNANCE

Outlines that the TSA Board (as stated by the ACCC in its 2018 Scheme determination) has *insufficient industry representation on the TSA Board, particularly in relation to the tyre recycling sector*¹ and the exclusionary strategic and operational impact this has on the delivery of the Scheme – particularly at the expense of recyclers.

That there is a need for greater reporting and review transparency and accountability.

4. IMPORTANCE OF ACCC AUTHORISATION

Contrary TSA's statement in the **Application for revocation and substitution of an authorisation**, Section 2.3 A², TSA is not and never has been regulated by the Federal government.

As stated in the TSA guidelines, the TSA mandate to operate in fact stems from an ACCC authorisation and is subject to adherence to prescribed guidelines³. It is therefore imperative that

¹ <https://www.tyrestewardship.org.au/wp-content/uploads/2020/04/ACCC-determination.pdf>

² 'the Product Stewardship Act was the legislative framework which originally regulated the Scheme'.

³ <https://www.tyrestewardship.org.au/wp-content/uploads/2020/04/ACCC-determination.pdf>

the ACCC ensure that any future authorisation applies appropriate terms to TSA to ensure all parties to the Scheme operate in an ethical, inclusive and transparent manner.

1. SCHEME OVERVIEW: STRUCTURE AND OBLIGATIONS OF TSA AND PARTICIPANTS.

To determine appropriate activities for participants within the Scheme, including TSA, it's important to establish the objectives of the Scheme guidelines, purpose of the organisation and requirements on Scheme participants.

1.1 ACCC AUTHORISATION:

Contrary to TSA statements in the **Application for revocation and substitution of an authorisation**, Section 2.3 A (refer to section 4. of the submission) TSA is not regulated by the Federal government and never has been. As stated in the TSA guidelines, the TSA mandate to operate comes from ACCC authorisation, subject to adherence to prescribed guidelines:

On 11 April 2013, the ACCC granted conditional authorisation to the Australian Tyre Industry Council for the Tyre Stewardship Scheme (the Scheme), to be administered pursuant to The Guidelines for the Tyre Product Stewardship Scheme (the Guidelines) (authorisations A91336 & A91337).

In 2018, the ACCC granted *authorisation to Tyre Stewardship Australia (TSA) to allow for the continuation of its revised Tyre Stewardship Scheme (the Scheme) for a further six years until 15 June 2024.*⁴

The ACCC grants *authorisation for TSA to create protection from legal action for conduct that might otherwise breach the Competition and Consumer Act 2010 (the Act). Applicants seek authorisation where they wish to engage in conduct which is at risk of breaching the Act but nonetheless consider there is an offsetting public benefit from the conduct*⁵.

The conduct approved by the ACCC is outlined in Appendix 2. This is very specific in scope and purpose to charging fees, participant obligations and the operations of the scheme.

The ACCC also notes *that raising funds through the imposition of an industry levy is not in itself a benefit of the Scheme, but rather it is TSA's application of those funds to appropriate activities that will generate the likely public benefits from the Scheme*⁶.

On the contrary, it is the contention of ATRA that should TSA apply the use of levied funds for activities that are not aligned with the objectives and guidelines of the Scheme, this may be detrimental to participants within the end-of-life supply chain, particularly recyclers.

1.2 TSA PURPOSE:

⁴ <https://www.tyrestewardship.org.au/wp-content/uploads/2020/04/ACCC-determination.pdf>

⁵ <https://www.tyrestewardship.org.au/wp-content/uploads/2020/04/ACCC-determination.pdf>

⁶ <https://www.tyrestewardship.org.au/wp-content/uploads/2020/04/ACCC-determination.pdf>

The TSA Scheme guidelines state that *the Scheme is a voluntary, industry led scheme that aims, primarily, to increase the recycling rate of EOLTs. TSA submits that 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 TDPs⁷.*

The corporate objects of TSA are to:

- *implement the Scheme for EOLT;*
- **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;⁸.*

Bold added to emphasise most relevant corporate objects to assertions made in this submission. See Appendix 3 for a full list of corporate objects.

1.3 TSA FUNCTION

TSA is primarily funded by a 25-cent levy paid voluntarily by tyre importers to resource the Scheme. The TSA annual report states that TSA received \$8,059,004 from levy paying members to undertake operations in 2022/23⁹. Contributing entities are:

- **Auto tyre importers:** Bridgestone, Continental, Goodyear Dunlop, Hankook, Kumho, Michelin, Pirelli, Toyo Tyres, Tyreconnect & Yokohama
- **Automotive brands:** Mercedes Benz, Porsche, Volkswagen
- **OTR Importers:** Asceno, Bearcat, Bridgestone Earth Movers, Goodyear Dunlop, Kal Tire, Michelin, Yokohama

1.4 OBLIGATIONS ON SCHEME PARTICIPANTS:

TSA fulfils its duties through interaction with Scheme participants, including:

1. Tyre importers/manufacturers
2. Retailers
3. Fleet Operators,
4. Local Government
5. Collectors and
6. Recyclers.

⁷ <https://www.tyrestewardship.org.au/wp-content/uploads/2020/04/ACCC-determination.pdf>

⁸ <https://www.tyrestewardship.org.au/wp-content/uploads/2021/01/TSA0060-TPSS-Guidelines-2021-Final.pdf>

⁹ <https://www.tyrestewardship.org.au/wp-content/uploads/2023/09/TSA0280-Annual-Report-v9-WR.pdf>

All Scheme participants have obligations under the Scheme, as per A3.1 of the General Commitments of the Guidelines which state that *the general commitments under the Revised Guidelines require all participants in the Scheme to:*

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

Tyre recyclers and retailers are required to abide by these commitments. In doing so, recyclers *report requested data and co-operate with audits, provision of required documents and undertake surveys as directed by TSA* to report to TSA commercial and business data, in good faith and with the understanding this data will be used for the purposes of the objectives of the Scheme. That is, for TSA to report on the overall performance of the scheme and sector regarding meeting sustainable end use outcomes and in a transparent and ethical manner.

1.5 SCHEME POSITIONING ON LANDFILLING VS DUMPING:

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

- *the environmentally sound use of EOLT;*
- *elimination of the inappropriate export of baled tyres from Australia;*
- *elimination of the illegal dumping of EOLT;*
- *elimination of disposal of EOLT 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).*¹⁰

The last point, underlined for emphasis, is important. It represents the fact that the TSA guidelines accept that landfilling is a legitimate disposal mechanism where tyres are safely managed, regulations allow and there are no appropriate alternatives available.

TSA acceptance of landfilling as a legitimate disposal option in some circumstances is represented by the fact that TSA has reported this as such in annual reporting from 2018 until 2022. In these

¹⁰ <https://www.tyrestewardship.org.au/wp-content/uploads/2021/01/TSA0060-TPSS-Guidelines-2021-Final.pdf>

reports, TSA separately records whether tyres are *mostly disposed (in licence landfills or buried on-site where permitted)* from those that are *dumped/stockpiled*¹¹.

Landfilling in such instances is not considered dumping or unscrupulous behaviour.

In addition to the points above regarding Scheme guidelines and the disposal of tyres to landfill, the following relevant points provide further context to this issue:

- a) In the current Scheme guidelines, TSA accommodates disposal to landfill in regional and remote areas as part of Scheme guidelines where no reasonable alternatives for recovery are on offer.
- b) In the Scheme, landfilling in regional and remote areas is treated differently to illegal dumping where legitimate, justifiable grounds are given for doing so – particularly to avoid unmanaged distribution and dumping in sparsely populated Australia.
- c) Landfilling of whole tyres is acceptable where legislation allows, such is the case in Western Australia; and landfilling of shredded tyres is legal across the country, albeit this practice (in metro areas at least) is usually more expensive than recycling.
- d) As shipping costs rose during the COVID-period, landfilling of processed material also rose as some operators chose this (legal) disposal option as a more economic outcome. This was the case in both metro and regional areas. Landfilling is being priced-out of the market as landfill levies and other costs make this practice more expensive than recycling.
 - a. TSA also accredits operators landfilling in metro (along with regional areas), aligned with the scheme guidelines
 - b. ATRA opposes landfilling of all tyre products (excluding residual materials)
- e) Landfilling of ‘residual’ tyre material is also acceptable as an inevitable outcome of tyre recycling as fibre ‘by product’ is a waste from the recycling process, that requires disposal to landfill as there are few-to-no markets for extracted tyre fibre.
- f) For these reasons (regional/remote costs and recycling by-products) landfilling of tyre material is an acceptable and expected outcome of end-of-life tyre management and has traditionally been treated as such in TSA reporting processes.
- g) The implications of this are discussed further in Section 2 where inconsistencies and misrepresentation of these technicalities of the Scheme by TSA could be resulting in inaccurate public claims by TSA that reflect negatively upon the tyre recycling sector and influence policy makers.

1.6 ACCC ENDORSEMENT OF TSA AND ITS FUNCTIONS

TSA uses the data provided by Scheme participants to report annually on behalf of the sector, for the benefit of the sector and as the designated end of life tyre ‘steward’, as authorised by the ACCC upon adherence to the Guidelines.

The granting of the ACCC authorisation provides TSA with reputational benefits. From the perspective of government, industry and the community, ACCC endorsement provides TSA with legitimacy and authority in its functions. ACCC authorisation is seen as an endorsement of TSA and

¹¹ <https://www.tyrestewardship.org.au/wp-content/uploads/2021/06/2018-21.pdf>

the data and information it releases to the public as this is a specified function within Scheme guidelines.

SECTION SUMMARY:

- TSA is required to act under the ACCC Authorisation as per the Scheme guidelines and fulfill a specified role as an independent steward on behalf of all participants in the end-of-life tyre supply chain.
- Participants, such as recyclers, provide TSA with data to fulfill that function in good faith for it to be used in a ‘transparent and ethical manner’
- The guidelines articulate how each participant must operate
- The guidelines also determine acceptable outcomes to be pursued and reported upon
- TSA’s considerable resources (approx. \$8M in annual revenue) along with its ACCC tick-of-approval put it in a position to present itself as ‘the’ authority (to policy makers and the public) on used tyre recovery and recycling.
- Given the above, the ACCC must hold TSA to the highest standards of accountability in its communications and representation of outcomes as per the definitions of the Scheme guidelines.

2. DATA AND REPORTING FUNCTION: TSA INCONSISTENCY IN REPORTING AND LACK OF TRANSPARENCY

TSA data reporting is considered the authoritative data set for the sector given TSA’s resources, the access it has to recycler’s data and its authority to undertake the process on behalf of the sector, as a result of the ACCC authorisation and Federal government voluntary accreditation under the Recycling and Waste Reduction Act (RAWR Act¹² - discussed more in Section 4.2). It is therefore important that TSA manages this process in line with stakeholder expectations and Scheme guidelines in a transparent and ethical manner.

ATRA contends that TSA has not used the data provided by Scheme participants (namely recyclers) and therefore the privilege associated with ACCC authorisation, in the manner the TSA guidelines and requirements stipulate.

ATRA asserts that TSA has represented data provided to TSA by recyclers under the arrangement of the Scheme guidelines in a manner that could be perceived to be misleading in nature.

2.1 TSA DATA REPORTING

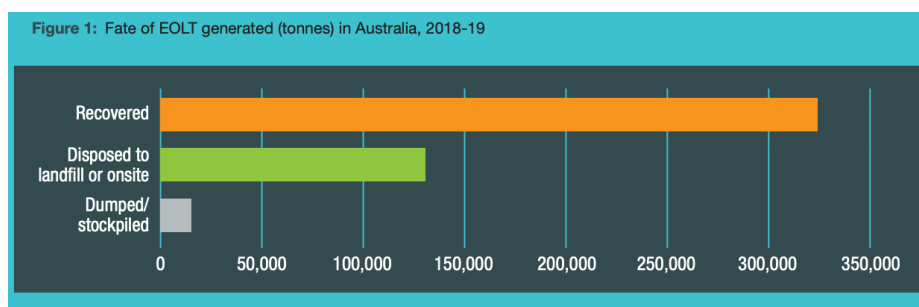
TSA commenced releasing annual information on behalf of the sector in the 2018/19 reporting period. The following details the evolution of this data reporting from 2018 through to the most

¹² The Scheme was initially developed under the *Product Stewardship Act 2011* (Cth) (**Product Stewardship Act**) and subsequently authorised by the ACCC in 2013 under Authorisation A91336-A91337 and 2018 under Authorisation AA1000409 in accordance with the *Competition and Consumer Act 2010* (Cth). **Accordingly, the Product Stewardship Act was the legislative framework which originally regulated the Scheme.**¹²

recent 2023 published data. All historic data fact sheets are available here:
<https://www.tyrestewardship.org.au/handbooks/tyre-consumption-recovery-fact-sheet/>)

2.1.1 2018/19 DATA FACT SHEET¹³

The initial fact sheet in 2018/19 clearly makes a distinction between landfilled¹⁴ and dumped/stockpiled with TSA reporting that *used tyres that are not recovered are mostly disposed (in licence landfills or buried on-site where permitted) or dumped/stockpiled.*



Of most relevance here is the fact that TSA reports end of life tyre fate but differentiates ‘Disposed to landfill’ and ‘Dumped/stockpiled’, as per the Scheme guidelines.

2.1.2 2019/ 20 DATA FACT SHEET¹⁵

The following years data analysis continued the trend set in 2018/19 of reporting ‘landfill and on-site disposal’ differentiated from the 3% of used tyres not ‘collected’ but rather illegally ‘dumped or stockpiled’.

The most recent data in fact shows this ‘3%’ ‘dumped or stockpiled’ has not changed, though TSA presentation of the data has (detailed in Section 2.1.5).

¹³ <https://www.tyrestewardship.org.au/wp-content/uploads/2021/06/2018-21.pdf>

¹⁴ Albeit ‘Off The Road’ (OTR) tyre (large mining and earth mover tyres) which are generally permitted for disposal ‘in-pit’ at end of life are grouped in the ‘onsite’ disposal category.

¹⁵ <https://www.tyrestewardship.org.au/wp-content/uploads/2021/06/2021031.pdf>

Recovery of used tyres

Recovery broadly refers to used tyres that are collected to be either **reused** (after re-treading or repair), **processed into tyre derived products** (TDPs) including tyre derived fuel for embodied energy (energy recovery) or for **use whole in thermal processing** either in Australia or overseas.

Estimated used tyres recovered in Australia 2019-20

332,000 tonnes
72% of EOLT



Reused
92,000 tonnes (20.2%)
(11.5 million used EPU)



Processed into TDP
187,000 tonnes (40.6%)
(23.3 million used EPU)



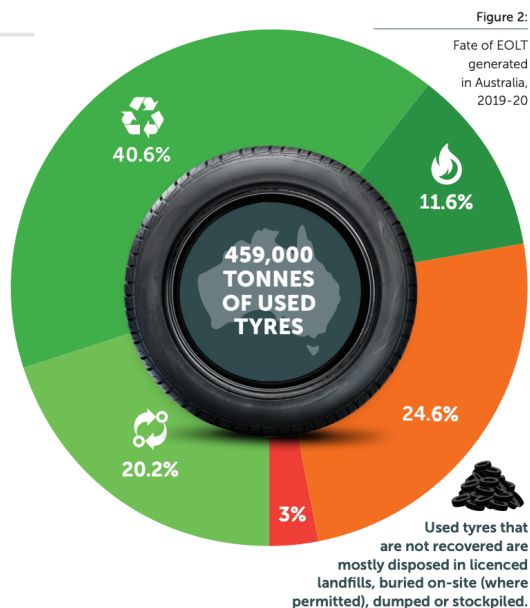
Used whole in Thermal Processing
53,000 tonnes (11.6%)
(6.6 million used EPU)

Used tyres dumped, buried, stockpiled or disposed to landfill

127,000 tonnes
28% of EOLT

● **Disposed to landfill or buried onsite**
113,000 tonnes (24.6%)
(14.2 million used EPU)

● **Dumped or stockpiled**
14,000 tonnes (3%)
(1.7 million used EPU)



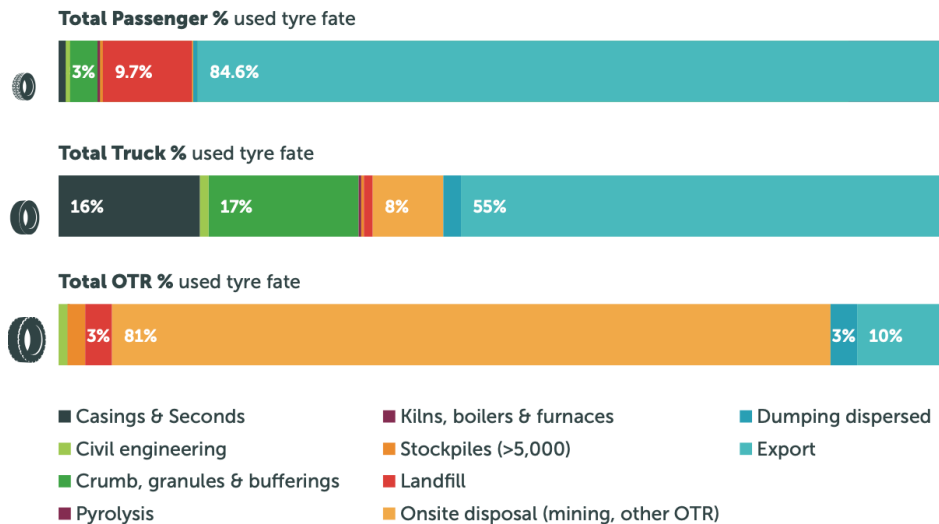
2.1.3 2019 TSA USED TYRES SUPPLY CHAIN AND FATE ANALYSIS

The substantial (76 page) TSA 2019 'Fate Analysis'¹⁶ report again provided a rigorous breakdown of disposal outcomes highlighting that:

- 98% of passenger, truck and bus tyres were 'collected' (collected being the term used to describe legally collected and processed materials; and is differentiated from 'recovery' that describes a beneficial secondary use, i.e. not landfilling)
- with the important categories of 'dumping dispersed' and 'stockpiles' together totalling around 2% of the total market (Off the Road (OTR) recovery is excluded here with a poor 13% recovery).

The report also outlined landfilling of passenger tyres was 9.7% with negligible landfilling or stockpiling of truck and bus tyres - (shredded tyres are permitted to be landfilled, while whole tyres are generally banned barring WA where licenced operators are unfortunately still permitted to bury tyres for 'future use').

¹⁶ <https://www.tyrestewardship.org.au/reports-facts-figures/used-tyre-supply-chain/>



2.2 2022 DATA FACT SHEET (5 YEAR AVERAGE)¹⁷

Again, dumped tyres are differentiated from landfilled when data was next communicated via a 5-year average fact sheet in 2022. This re-iterated the reporting protocols of Scheme data, reinforcing the values of the Scheme in reporting processes and further established the method to stakeholders.



2.1.5 A CHANGING METHOD AND MESSAGE: NOVEMBER 2023 DATA FACT SHEET

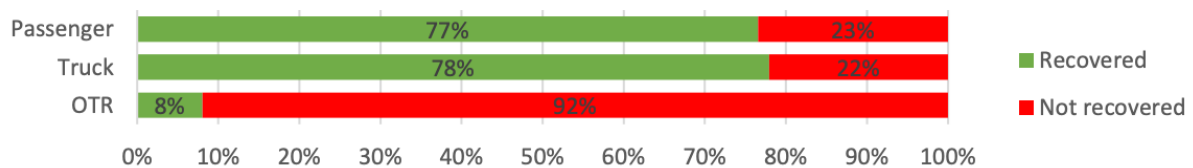
TSA’s most recent data¹⁸ and its communication differs substantially to the detailed 76-page 2019 ‘Fate Analysis’ report and consistency of the previous three annual fact sheets. The 2023 data release:

- changes reporting protocols from previous years
- aggregates what TSA previously separately categorised as ‘disposed (in licence landfills or buried on-site where permitted)’ with the category of ‘dumped or stockpiled’

The 2023 factsheet constitutes a two-page info graphic¹⁹ and accompanying media release. ATRA has requested the detailed data, none has been provided. Analysis behind this fact sheet was not advised prior to its publication. Recyclers were not invited to review the data.

¹⁷ <https://www.tyrestewardship.org.au/wp-content/uploads/2022/03/TSA-Tyre-Consumption-Recovery.pdf>
¹⁸ (<https://www.tyrestewardship.org.au/wp-content/uploads/2023/11/Australian-Tyre-Consumption-2022-23.pdf>)
¹⁹ (<https://www.tyrestewardship.org.au/wp-content/uploads/2023/11/Australian-Tyre-Consumption-2022-23.pdf>)

The latest report now excludes the previously published collection rate and focuses only on the recovered and non-recovered rate of EOL tyres, failing to break this down further into categories of legal (landfill) and illegal disposal.



Importantly, 'disposed (in licence landfills or buried on-site where permitted)' and 'dumped/stockpiled' are now all contained under the one banner of non-recovered – even though TSA accepts landfilling as an acceptable outcome under the Scheme guidelines and has reported as such many times previously.

2.2 A CHANGING METHOD AND MESSAGE: POTENTIALLY MISLEADING CLAIMS

TSA claim in their media release accompanying this data there is a 'worrying trend' and that, 'Australia's dumped tyre pile is getting bigger'²⁰:



TSA state that *Australia's dumped tyre pile is getting bigger and equates to 11.3 million car tyres being stockpiled, illegally dumped, landfilled, or hidden in warehouses, on industrial sites, unsuspecting landowners' properties, and even national parks²¹. TSA goes further to say that 11.3 million used tyres – greater than the population of Sydney and Melbourne combined – is an environmental nightmare for Australia and that tyres left unrecovered increase the risk of mosquito-borne diseases, toxic fires, and contamination of our built and natural environment.*

These statements are deliberately misleading. It wrongly implies that 11.3 million car tyres are being dumped in the environment or stockpiled creating an unmanaged disaster ('environmental nightmare') of huge proportions.

However, as TSAs own previously published data represents this is a deliberate misrepresentation. The overwhelming majority of these 'unrecovered' tyres are being safely collected, managed and

²⁰ <https://www.tyrestewardship.org.au/news/media-release-new-data-reveals-a-worrying-trend/>

²¹ <https://www.tyrestewardship.org.au/news/media-release-new-data-reveals-a-worrying-trend/>

legally landfilled as is accepted within the Scheme guidelines and has been reported accordingly by TSA on no less than four occasions.

ATRA is concerned that TSA has deliberately aggregated and conflated legal and acceptable disposal outcomes under the Scheme guidelines (disposal to landfill as a residual recycling by-product or in regional/remote areas where collection is not viable and potentially in metro areas) with tyres that are dumped and stockpiled.

The technical differentiation will not be at all clear to the 'average reader' and leaves an extremely poor impression for the community, government and policy makers of the fate of end-of-life tyres in Australia and undermines the reputation of the legitimate tyre recycling industry.

The statement was published by TSA in a media release and republished by at least seven other publications. This creates an unnecessary negative perception of the performance of Australia's tyre recycling sector by the organisation which is meant to be accurately and fairly presenting data on behalf of the sector and promoting its development.

TSA recently also released an online video²² asserting that '*we see a lot more illegally dumped tyres 'because we don't have the rules and regulations in place'*'. Both of these statements need to be questioned.

- a. There has been no publicly available information that has been referenced to substantiate claims of an increase in illegally dumped tyres. ATRA and other stakeholders have no way of verifying the accuracy of this claim. Though we have been advised 'collection' has remained static and landfill rates have increased. As mentioned ATRA has requested the detailed data but has not been provided with this? Has 'dumping' per se actually increased?
- b. Additionally, all states and territories have revised laws and regulations explicitly outlawing illegal dumping as well as stockpiling. i.e. the 'rules and regulations' are in place and in general terms ATRA is pleased that enforcement across the country is in most cases good to adequate, though of course can always be improved.

ATRA has recently been advised by TSA²³ that the *collection rate* for passenger, truck and bus tyres (those that are collected and managed by tyre recovery service providers as opposed to dumped, stockpiled or unmanaged) has remained stable at around 97% and that it is only the landfilling rate that has increased (tyres disposed to landfill once collected and managed). As such, there has been no evidence presented to substantiate an increase in dumping or illegal stockpiling as is stated in the accompanying headline²⁴. It is also noteworthy that the COVID period caused significant volatility in the global shipping market leading to increased landfilling, and this is likely to subside in the coming period.

2.3 ATRA CONCERNS WITH MISREPRESENTATION OF THE DATA:

²² <https://www.youtube.com/watch?v=AqG3PMhm4bo&t=16s>

²³ Written correspondence with TSA Chief Operating Officer

²⁴ Please note: Without the full data being published, as has been the case previously, it is difficult for ATRA or any interested stakeholder to fully analyse the data to assess and verify the claims.

ATRA contends that the ACCC should consider whether the claims made by TSA in the headline that ‘Australia’s dumped tyre pile is getting bigger’ (along with additional TSA public communications) are in fact a false and misleading representation of end-of-life data. Compounding this is the fact that the data TSA could be perceived to be misrepresenting has been extracted from recyclers (who provide the data in good faith) using ACCC endorsed guidelines that require TSA to deal ‘transparently and ethically’ with Scheme participants and the community. As such, there may be a greater onus upon TSA to be ethical and transparent with data than might otherwise be the case with businesses not subject to an ACCC authorisation.

As a basis to further illustrate the potential misleading nature of TSA data, ATRA refers to the ACCC published, ‘[Making Environmental Claims](#)’ document released in December 2023. This document publishes *eight principles to help businesses ensure any environmental marketing and advertising claims they make about their products or services are clear and accurate, and do not mislead consumers*²⁵.

ATRA contends that, in the instance highlighted with reference to TSA reporting and associated media campaign (particularly given the responsibilities of being an ACCC authorised Scheme administrator), TSA’s actions have been contrary to many of the eight principles as follows:

1. Make accurate and truthful claims.

- a) The claims made by TSA in the media release content and headline that ‘Australia’s dumped tyre pile is getting bigger’ may not be truthful or accurate and may be intentionally misleading.
- b) The media release and headline conflate acceptable disposal options as part of the Scheme with non-acceptable disposal options (i.e. dumping & stockpiling). This is clearly a misrepresentation of data.
- c) Data has been aggregated to make a simplified and misleading claim (i.e. not publishing specific landfilling data as has occurred in prior years).
- d) Recyclers (entities compelled to provide TSA with data), government and industry have no way of verifying the data that has been presented as TSA has not provided or published the complete data in a manner consistent with the four previous occasions that these datasets have been released.
- e) TSA’s video makes an unsubstantiated claim of an increase in ‘dumped tyres’ and a false claim of an absence of ‘rules and regulations’ to prevent dumping.
- f) The primary concern of ATRA is that by underrepresenting the number of tyres that are effectively managed in a manner consistent with acceptable pathway as defined in the Scheme guidelines (as shown in fuller previous data set), TSA is diminishing confidence in

²⁵ <https://www.accc.gov.au/media-release/accc-releases-eight-principles-to-guide-businesses%E2%80%99-environmental-claims>

the recycling sector and undermining the work that Australian recyclers provide through valuable recovery and recycling services for industry and the community.

2. Have evidence to back up your claims

- a) TSA refrains from publishing all the data that it has reported on multiple occasions in previous years to deliberately make the data more opaque to assert unsubstantiated claims.
- b) TSA intentionally omitted evidence it has readily published in the past

3. Don't hide or omit important information

- c) TSA has omitted important information it has previously published, over-simplified reporting and conflated data which has misrepresented the reality of end-of-life tyre management. This misrepresents activities and performance of the sector to the detriment of Australia's tyre recycling sector.

4. Explain any conditions or qualifications on your claims

- a) TSA changed reporting methodology (the amalgamation of datasets) from previous years without consultation, explanation or qualification.

5. Avoid broad and unqualified claims

- a) TSA has made broad and unqualified claims in the headline by stating the tyre dumping had increased without presenting comparable evidence to substantiate the claim.
- b) Additionally, landfilled data (a legitimately managed end of life outcome as defined in the Scheme) is conflated with dumping and stockpiling (illegitimate disposal pathways of end-of-life tyres), further compounding the unqualified nature of the claim.

6. Use clear and easy-to-understand language

- a) The technical nature of the claims may not be clear to the reader. TSA conflates multiple end of life outcomes (with varying degrees of acceptability) into a 'catch all' of being a negative outcome, i.e. 'dumped'.
- b) The technical differentiation will not be at all clear to the 'average reader' and leaves an extremely poor impression for the community, government and policy makers of the fate of end-of-life tyres in Australia and undermines the reputation of the legitimate tyre recycling industry.

7. Visual elements should not give the wrong impression

8. Be direct and open about your sustainability transition

- a) TSA has not been direct and open about the source data behind these claims. TSA has changed reporting protocols and leveraged the new metrics to exaggerate the negativity of what is a legal end of life outcome (landfill, where permitted) to alarm and misrepresent.

SECTION SUMMARY:

- TSA has changed reporting protocols and excluded detail from previously reported data to skew public perceptions with no consultation or validated, publicly stated reason.
- TSA has changed established reporting protocols which misrepresents outcomes and group acceptable Scheme outcomes with problematic ones.
- TSA has also potentially falsely claimed an increase in ‘dumping’ per se and an absence of regulations to prevent it.

A primary concern of ATRA is that by misrepresenting the current state of the market TSA is creating a false public and policy maker perception of the industry, underrepresenting the value that Australian recyclers currently provide to industry and the community.

- TSA could be perceived to be exploiting the ACCC endorsed data function to extract data and misrepresent sector outcomes. TSA has a responsibility to utilise the data provided by tyre recyclers in a manner that should not be perceived to be contrary to the ‘ethical and transparent’ requirements of Scheme participants.

REQUEST FROM ATRA:

ATRA requests that the ACCC:

- Review relevant public claims made by TSA to ensure they are accurate and truthful.
- Require TSA to clarify the public record by publishing of full and qualified data and information in line with previous reporting protocols and Scheme guidelines.
- Require TSA to acknowledge inconsistencies in method and the fact that recent media releases could be construed as misleading to stakeholders.

3. GOVERNANCE

ATRA contends that the TSA Board structure:

- Does not adhere to the Scheme guidelines.
- Is exclusionary to tyre recyclers
- Facilitates a strategic and operational environment that does not represent or act in the best interests of the entire end of life tyre supply chain, namely tyre recyclers.

And that;

- Insufficient KPI’s and which lack accurate attribution and a lack of genuine independence in scheme and organisational reviews guide accountability for TSA and the scheme

3.1 CURRENT BOARD STRUCTURE

The TSA Board is made up of the following:

ROLE	NAME	ORGANISATION / SECTOR
Chair	David Spear	Professional Director (VUCA p/l)
Director	Lou Mandanici	Goodyear (Importer / Manufacturer/ Retail)
Director	Jo Hayes	Bridgestone (Importer / Manufacturer / Retail)

Director	Mitchell Golledge	Continental (Importer/ Manufacturer Retail)
Director	Albert John	Yokohama (Importer / Manufacturer)
Director (Circular Economy)	Lorraine Stephenson	Climate Change consultant/ risk management
Director (Circular Economy)	Vaughan Levitzke	Formerly Zero Waste SA / Consultant
Director	David Fraser	Automotive Industry/ professional Director
Co Secretary	Silvio de Denaro	Aust Tyre Industry Council (Manufacturers/ Importers)

There are currently no (and never have been) tyre recyclers on the TSA Board.

3.2 ACCC, SCHEME AND CONSTITUTION REQUIREMENTS

The absence of recycling sector representation and skills is despite the fact that current Scheme Guidelines²⁶ state in 4.1 that *a minimum of 1 and up to 2 representatives from the tyre recycling industry with suitable knowledge and experiences as elected by the Members.*

Additionally, the original [ACCC authorisation](#) (item 31) stated that *TSA will be managed by a Board of Directors which is currently proposed to comprise:*

- *an independent Chair*
- *four Directors nominated by ATIC to represent tyre importers*
- *one Director nominated by the Australian Motor Industry Federation (AMIF) to reflect the role of the retail sector in the Scheme, currently proposed to be a staff member of AMIF*
- ***one Director representing the recycling and collecting industry to be appointed by agreement between ATIC and the Australian Tyre Recyclers Association (ATRA) and***
- *additional Directors from time to time to be determined by the Board of TSA in consideration of their expertise within major industries such as automotive or mining.*

In the ACCC 2018 Determination, *the ACCC acknowledges concerns raised by interested parties in relation to the effectiveness of the Scheme, including in respect of industry engagement and compliance. For example, interested parties submit that there were issues relating to:*

- ***insufficient industry representation on the TSA Board, particularly in relation to the tyre recycling sector***
- *accreditation, under the Scheme, of businesses who were not compliant with Scheme obligations and*
- *insufficient oversight of end-of-life tyres exported overseas²⁷.*

²⁶ <https://www.tyrestewardship.org.au/wp-content/uploads/2020/04/Guidelines-for-Tyre-Product-Scheme.pdf>

²⁷ <https://www.tyrestewardship.org.au/wp-content/uploads/2020/04/ACCC-determination.pdf>

The TSA Constitution²⁸ was changed on November 19, 2022. It is now inconsistent with the published ACCC guidelines with reference to requiring a recycler representative on the Board, specifically 34.1(b) which requires *a minimum of 1 and up to 2 representatives with tyre recycling or circular economy knowledge and experience as elected by the Members*. ATRA is of the belief that TSA changed the constitution to accommodate 'Circular Economy' Directors as it was unwilling to bring recycler(s) on the Board as the Guidelines require.

3.3 STEWARDSHIP SCHEME PRECEDENTS FOR RECYCLERS ON THE BOARD

In the past, TSA has claimed that it cannot have a tyre recycler on the Board as this could be perceived as a 'conflict of interest'. However, ATRA notes that the following stewardship schemes have recyclers on the Board:

- [Battery Stewardship Council](#): Ben Pritchard, Envirostream (Battery Recycler)
- [Australian Packaging Covenant Organisation](#) (APCO): Lee Smith (Veolia employee) who is nominated by the Australian Council of Recyclers (ACOR).

3.4 NOT ADHERING TO SCHEME GUIDELINES

TSA is not adhering to Scheme guidelines with regard to having appropriate recycler representation on the Board.

Additionally, the ACCC identified that *insufficient industry representation on the TSA Board, particularly in relation to the tyre recycling sector*, as an issue with the Scheme in the last review.

3.5 OPERATING IN AN EXCLUSIONARY MANNER

ATRA contends that the lack of inclusiveness of recyclers and others within the supply chain (i.e. non-tyre importers) creates an organisation that does not represent the whole supply chain. This inhibits TSA's ability to operate in a transparent and inclusive manner as a true 'steward' for the entire end of life tyre resource recovery and recycling supply chain.

The lack of inclusiveness of views and input on the Board creates a strategic and operational bias that is exclusionary to a diversity of business perspectives – to the detriment of Australia's recycling sector.

This bias is demonstrated in Section 2 of this submission which illustrates that TSA is actively promoting a biased reporting method in a manner that acts to undermine confidence in the tyre recycling industry through misrepresentative public statements.

REQUEST FROM ATRA:

²⁸ <https://www.tyrestewardship.org.au/wp-content/uploads/2022/03/Tyre-Stewardship-Australia-Constitution-19.11.2021.pdf>

To ensure the Scheme is transparent and inclusive and operates in the best interests of the entire end of life tyre supply chain, ATRA requests that a condition of the ACCC authorisation be that at least one tyre recycler (nominated by ATRA) be appointed to the Board within 6 months of the ACCC authorisation renewal date.

3.6 INDEPENDENT SCHEME ANALYSIS AND REPORTING PROTOCOLS

As the current TSS is voluntary, there is little direct accountability for TSA in relation to the achievement of the scheme overall or Key Performance Indicators (KPIs).

3.6.1 KPI'S

TSA KPIs are determined in the ACCC authorisation and are required to be published in the Annual Report. It is worth noting that TSA has re-written performance measures in ACCC re-authorisation processes with little consultation and external rigour of these changes.

At present, TSA sets its own KPIs. In a more consultative model input could be received from other interested parties to determine critical KPIs and ensure that TSA was held more accountable to the achievement of these.

At present, in a voluntary framework, there is no external accountability or any real determination of 'attribution' of benefit that TSA claims for the achievement of scheme related performance outcomes. For instance, collection and recovery data outcomes are reported via the following KPIs²⁹:

- KPI 2. The volume of EOLTs collected by TSA accredited participants or accounted for over time increase annually.
- KPI 3. The volume of EOLTs exported via TSA accredited tyre recyclers and collectors that have been verified as going to environmentally sound use increases annually.
- KPI 4. The percentage of EOLTs that are going to environmentally sound use increases.

When reading these KPI's, it is worth noting that TSA is not involved in the collection and handling of tyres. This is all done by recyclers. Yet it is TSA that reports on the achievement of recovery and recycling rates when associated activities of the organisation have little bearing on the achievement of this outcome. This fact may play into the perception of many out-side of the sector that the scheme and TSA is an EPR framework that is more directly involved in the collection and recovery of tyres.

It should be noted that TSA has a role in centralising data and publishing it for the benefit of the stakeholders and the sector. However, beyond those who know TSA and the sector, there is little nuanced understanding of the achievement of published KPIs and the fact it is the resource recovery sector that achieves these outcomes, with little attributable and quantifiable benefit to specific activities of TSA. As such, more nuanced KPIs, which more accurately reflect the attributable benefit

²⁹ <https://www.tyrestewardship.org.au/wp-content/uploads/2020/05/tsa-annual-report-2018-19-web-wfvgieznfehb.pdf>

of TSA activities to the achievement of these outcomes, is recommended. The scheme should additionally broaden this reporting to include domestic and exported tonnages of used tyres and to which products processed tyres are manufactured.

It should be noted that the original Scheme guidelines had KPIs along these lines in place when in first draft. The 2014/15 financial year Annual Report included the following KPI:

- KPI 4: The resource recovery and recycling rates of end-of-life tyres that can be attributed to the scheme.³⁰

TSA removed this KPI when undertaking its review in 2017.

3.6.2 NEED FOR INDEPENDENCE IN SCHEME AND ORGANISATIONAL REVIEWS

In addition, TSA appoints its own consultants to undertake so called ‘independent’ reviews, such as the 2022 Arcoona Report that outlined the need for a regulated PS scheme.

In the absence of truly independent analysis of scheme performance there is a risk of bias and this bias being used to justify pre-determined policy positions.

All future scheme and organisational reviews should be undertaken by a truly independent agency, appointed and overseen by the ACCC rather than TSA.

REQUEST FROM ATRA

ACCC review and determine the most appropriate KPIs for the TSS that best reflect the objectives and interests of the recycling and associated sectors.

Establish a process for genuine independence in scheme reviews, such as ACCC appointed and managed consultants to undertake these reviews.

4. ACCC REVIEW CONTEXT

4.1 REVIEW CONTEXT

TSA states in its **Application for revocation and substitution of an authorisation** (Section 2.3) that the *‘Product Stewardship Act was the legislative framework which originally regulated the Scheme’*.

This is a false and misleading statement. TSA is not now and never has been regulated. ATRA contends that ACCC authorisation is and has always been the mechanism that gives TSA the mandate to operate in the manner in which it does – subject to adherence to prescribed guidelines.

TSA makes this claim to infer that it is on an inevitable path to regulation and that regulation will be the ‘mandate’ it has to operate in the next three years. As such, the current ACCC authorisation

³⁰ <https://www.tyrestewardship.org.au/wp-content/uploads/2020/05/tsa-annual-report-addendum-acc-ffnal-wfztrfksntzd.pdf>

application process is a ‘stop gap’ to provide TSA with the ‘runway’ to regulation under the Federal RARW act. Therefore, TSA asserts that there needs to be no additional alterations or conditions placed upon the Scheme moving forward.

This is not the case. The ACCC authorisation is and always has been the mandate that TSA and the Scheme has utilised to legally operate. This may well be the case for the foreseeable future. It is therefore important that any ACCC re-authorisation of the Scheme does so in a manner that ensures the structure moving forward is best placed to deliver its intended outcomes in the transparent and ethical manner it is intended to.

4.2 TSA IS NOT REGULATED

TSA is and never has been regulated.

The TSA mandate to operate comes from ACCC Authorisation. TSA goes further to say in its **Application for revocation and substitution of an authorisation** (Section 2.3) that the Scheme was recognised *as a voluntary accredited arrangement under the RAWR Act*. This is a truer statement as to the status of the Scheme, as opposed to the false statement which asserts that the *‘Product Stewardship Act was the legislative framework which originally regulated the Scheme’*.

TSA in its current form has always been a *‘voluntary, industry led Scheme with 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’*³¹.

As stated in the original TSA guidelines from 2011, the expectation is that *the scheme will be put forward for accreditation under the voluntary product stewardship arrangements of the Product Stewardship Act*³².

4.3 VOLUNTARY ACCREDITATION IS NOT REGULATION

The process to be accredited under the voluntary product stewardship arrangement under the Product Stewardship act took 10 years and did not occur until 2021. TSA has been accredited as a voluntary scheme under the RAWR act since 2021³³.

Voluntary accreditation by the Federal government under the Product Stewardship Act (which TSA stated it was regulated by) is a high-level process that essentially stipulates that an accredited organisation can use the Australian Government product stewardship logo, which signals that:

- *their product is achieving sustainable outcomes and has high industry support*
- *their business is aligned with the objects of the Recycling and Waste Reduction Act 2020 and circular economy principles*

³¹https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj8ClgYaEaxWSUGwGHQtQBtcQFnoECA8QAQ&url=https%3A%2F%2Fwww.nepc.gov.au%2Fsites%2Fdefault%2Ffiles%2F2022-09%2Ftyre-product-stewardship-guidelines.docx&usg=AOvVaw1Tu_5FEZH6AGaHeaW0nZJ3&opi=89978449

³² <https://www.nepc.gov.au/sites/default/files/2022-09/tyre-product-stewardship-guidelines.pdf>

³³ TSA company secretary correspondence 2024

- *the government encourages sustainable procurement of their products*³⁴.

This evidences that *voluntary accreditation* under the Product Stewardship and/or RAWR Act does not provide a regulatory authority to operate. This is further evidenced by the fact that TSA has been ACCC authorised since 2013 – but only accredited with the Federal government since 2021. Hence, the ACCC authorisation is the true ‘mandate to operate’ for the Scheme.

TSA has been in existence since 2012, receiving its initial ACCC authorisation on 11 April 2013 for 5 years (**Authorisation Numbers A91336-A91337**) and re-authorisation on 15 June 2018 for a period of 6 years (**Authorisation Number AA1000409**)³⁵ (<https://www.tyrestewardship.org.au/accc-authorisation/>).

4.4 THE MINISTERS PRIORITY LIST

TSA states in the **Application for revocation and substitution of an authorisation 2.3 D**, ‘*EOLTs were added to the Minister’s Priority List in October 2022. This is the first, mandated, step to the Scheme transitioning to a Regulated Scheme*’.

This statement is misleading as it implies an assumption of full regulation is a *fait accompli* upon being listed on the Ministers Priority List. However, ATRA highlights that there are several products on the Minister’s Product Stewardship Priority list that have not been regulated, including:

- Oil containers
- Ag chemicals (voluntary PS scheme)
- Child car seats
- Clothing textiles
- Mattresses
- Plastics in health-care products

The National Television and Computer Recycling Scheme (NCRS) is the only Federal Co-Regulated scheme.

As such, while being listed on the Product Stewardship Priority List may be an essential step to regulation, it does not guarantee regulation will occur, is required or the next step. Furthermore, unlike the tyre sector, the previously listed product examples have largely been without an established end of life collection and recycling industry. While the used tyre collection and recycling sector enjoys a collection rate of 97%.

As such, the ACCC authorisation is important and should be considered on its merits irrespective of any future possible regulated scheme considerations. ACCC authorisation has been, and is likely to be, the key authority and mandate to operate for tyre stewardship in Australia for the foreseeable future.

³⁴ (<https://www.dcceew.gov.au/sites/default/files/documents/voluntary-product-stewardship-accreditation-application-guide.pdf>)[LO1]

³⁵ <https://www.tyrestewardship.org.au/accc-authorisation/>

Therefore, ATRA requests that any reauthorisation be considered in a manner that is cognisant of the importance of the authorisation and the impact it has on recycler's businesses and access to a fair and competitive market.

4.5 ACCC AUTHORISATION: DEFINE THE STRUCTURE FOR STEWARDSHIP AND EXTENDED PRODUCER RESPONSIBILITY FOR THE SECTOR

If the assumption that the Scheme is regulated as per the assertion by TSA in the **Application for revocation and substitution of an authorisation**, then TSA will become the focal point for driving the conversation towards a regulatory framework as the ACCC endorsed 'authority' to act on behalf of the end-of-life tyre supply chain.

Therefore, it is even more critical that TSA acts in a fair and transparent manner and that the Board is comprised of representatives that truly reflect the nature of the supply chain and be inclusive of the tyre recycling sector.

In this scenario TSA would drive the engagement with the sector, industry and government. TSA would be central to shaping the regulatory framework that may supersede ACCC authorisation. In this role, TSA would be tasked with representing the best interests of highly invested recyclers. TSA therefore needs experience and a breadth of views to do so adequately and representation from Australia's tyre recyclers is critical in ensuring this is the case.

4.6 CO-REGULATED UNDER THE RAWR ACT:

There are currently very few schemes regulated or coregulated under the RAWR Act (the NTCRS which is co-reg and the only mandatory Scheme, the Mercury-added Products Scheme). However, there are many that are pursuing this agenda. Priorities for the government currently include:

- Packaging
- E-waste
- Batteries
- Clothing and textiles

There will inevitably be more industries and schemes that push for regulation as stewardship and extended producer responsibility becomes an attractive mechanism to provide the resources and administrative structure to manage emerging resource recovery and circular economy challenges.

It is therefore important for the ACCC to ensure that these new regulatory instruments are introduced in a manner that adheres to the principles of fairness, impartiality and inclusivity. This will ensure a more competitive market that reduces the risks of collusion and cartel like behaviour – a critical objective of the ACCC.

As such, placing conditions upon TSA and other ACCC Authorised schemes to imbed these principles into the structure and functionality of such organisations is critical as voluntary, industry led schemes shape the regulatory context that will define market conditions in the circular economy for decades to come.

5. CONCLUSION

ATRA supports a conditional re-authorisation of Tyre Stewardship Australia. However, as this submission articulates, ATRA asserts that re-authorisation should be given with clear requirements from the authorising agency, the ACCC.

ATRA asserts that re-authorisation of the Scheme should only be given subject to the following conditions:

1. At least one tyre recycler position is created on the TSA Board (refer to Section 3 of the submission) within 6 months after the authorisation renewal date.
2. Public claims made by TSA are reviewed to ensure they are 'accurate and truthful'.
3. TSA is required to publicly clarify inconsistencies in the publishing of data and acknowledge the fact that recent media releases and other public communications could be construed as misleading (refer to Section 2 of the submission)
4. TSA reporting protocols and KPI's are reviewed to ensure transparency (of methodology, assumptions, categories etc), broaden their reach to include tonnes of materials processed, into which products and to which markets (offshore and domestic) and clearly outline outcome attribution.
5. ACCC to appoint and manage independent consultants for scheme and organisational reviews to ensure against bias and build trust and transparency in TSA (and other similar schemes)

ATRA contends that TSA may be undertaking activities that could be perceived to be outside the Scheme guidelines and associated ACCC determination parameters. A such, a re-authorisation with conditions is required to ensure the proper functioning of the Scheme, as per the guidelines and expectation of government, industry and consumers.

The conditions proposed by ATRA would ensure that TSA is better positioned to meet Scheme objectives in a transparent and ethical manner (as specified as the Scheme intent in the Guidelines), better represent the interests of the end-of-life tyre supply chain and avoid perceptions of collusive and anti-competitive behaviour.

On this basis ATRA requests that the ACCC understand the important role it plays in ensuring a fair and equitable market for tyre recyclers and the EOLT market in Australia. Additionally, the importance that placing appropriate terms on the tyre product stewardship Scheme has for stewardship and EPR development as a sector in Australia in creating competitive and open markets that deliver legitimate circular economy outcomes.

END

6. APPENDICES

APPENDIX 1: ABOUT ATRA

The Australian Tyre Recyclers Association (<https://atra.asn.au/>) represents the legal and sustainable used tyre collection and processing sector in Australia. ATRA members collect and process used tyres from in every state and territory and from every part of the country, manufacturing rubber crumb and granules, civil work products and tyre derived fuels, primarily for export. ATRA is a subsidiary of the Australian Council of Recycling (ACOR)

APPENDIX 2: TSA APPROVED CONDUCT

Provision or obligation under the revised Guidelines for the Tyre Product Stewardship Scheme	Provision
Requirement under participants' general and specific commitments to deal only with other accredited participants, or otherwise to enter into enterprise to enterprise agreements or contractual agreements that give effect to the commitments and the object of the Scheme	Part A, Section 3
Imposition of a levy on tyre importers, vehicle manufacturers and miners of a minimum of \$0.25 per EPU imported into Australia	Part A, Section 4.3
Allocation of levy funds to support initiatives and projects regarding the use and disposal of EOLTs	Part A, Section 4.4
Accreditation of Participants on the basis of a: <ul style="list-style-type: none"> current capacity to meet the general and specific commitments under the Scheme; or demonstrated capacity to meet the general and specific commitments under the Scheme 	Part A, Section 5.1
Suspension or revocation (for a period of 12 months) for Participant's non-compliance with general and/or specific commitments under the Scheme	Part A, Section 5.3
Imposition of a levy on tyre importers and vehicle manufacturers of a minimum of \$0.25 per EPU imported into Australia	Part C, Section 1.2
Retailers to prioritise dealings with accredited tyre importers Retailers to deal only with collectors and recyclers accredited by TSA when disposing of EOLTs	Part D, Section 1.2
Fleet operators to prioritise dealings with accredited tyre importers Fleet operators to deal only with retailers accredited by TSA when disposing of EOLTs	Part E, section 1.2
Local governments to deal only with accredited retailers when replacing the EOLTs generated by their fleets Local government to deal only with collectors and recyclers accredited by TSA when disposing of EOLTs	Part F, section 1.2
Collectors to ensure all EOLTs collected from retail and other outlets are passed on to accredited recyclers	Part G, section 1.2
Imposition of a levy on miners of a minimum of \$0.25 per EPU imported into Australia	Part I, Section 1.2

APPENDIX 3: THE CORPORATE OBJECTS OF TSA ARE TO:

- *implement the Scheme for EOLT;*
- ***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 EOLT
- 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 collaboration³⁶.

(Bold added to emphasise relevant elements)

³⁶ <https://www.tyrestewardship.org.au/wp-content/uploads/2021/01/TSA0060-TPSS-Guidelines-2021-Final.pdf>