

Review of the *Waste Avoidance and Resource Recovery Act 2007*

To the Department of Environmental Regulation from the Waste Management Community Reference Group (WMCRG) attached to the Eastern Metropolitan Regional Council (EMRC).

The following is a community perspective on the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) Review Paper.

Background

The WMCRG was established in 2002 to provide informed advice and feedback to EMRC on waste management and waste education issues. Members are community representatives from each of the EMRC's six member Councils and each has an interest in and considerable knowledge about waste matters.

The following provides feedback from members who have contributed community perspectives on issues raised in the *Department of Environment Regulation – WARR Act Review Discussion Paper* as well as other aspects that are considered of relevance to this review.

The aim of this submission is to provide:

- a community perspective on the review of the *Waste Avoidance and Resource Recovery Act 2007*

The Discussion Paper

The Discussion Paper presented to review the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) has indicated a need for potential changes to the Act to be able to:

- Improve diversion rates
- Address environmental requirements
- Increase employment
- Change the current directions, approaches and attitudes to resource recovery of the waste industry
- Focus on recovery rather than on waste collection

WMCRG Comments

The following provides general comments on waste management in WA as well as feedback on the issues raised in the Discussion Paper and includes:

1. General Comments
2. Local Government waste operations
3. Formation of Waste Groups
4. Alignment of waste planning across Government
5. Infrastructure planning – Governance
6. Recommendations

1. General comments

In WA, the key legal instrument to protect the environment: to prevent, control and abate pollution and environmental harm, is the *Environmental Protection Act 1986* (EPAAct). It specifies the actions that can be taken to respond to environmental harm and their application. Principle 5 (waste minimisation) of the Environmental Protection Act 1986 indicates that:

All reasonable and practicable measures should be taken to minimise the generation of waste and its discharge into the environment.

The *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) addresses the reduction of environmental harm through waste by providing mechanisms to promote a waste free society and the recovery of resources. It reflects the Principles of the EPAAct in its objectives.

The translation of the legislation into policy and practice in WA assumes many forms, the principle means being the *WA Waste Strategy: creating the right environment*.

The strategic objectives of this are:

1. Planning
2. Regulation
3. Best practice
4. Economic instruments
5. Communication and promotion

The development of a Discussion Paper such as this should be seen an opportunity to provide useful and instructive information to the wider community as well as key stakeholders on the current status of waste management in WA and potential mechanisms for future developments that should meet the needs of the community.

The WMCRG feels that more consideration could have been given within the Discussion Paper from a community perspective to the following and that these need to be addressed. Members feel that consideration should be given to:

- the hierarchical nature and interrelatedness of environmental legislation in WA with respect to waste
- environmental harm and the detrimental impacts on environmental values from waste, including the potential harms to human health as well as the environment
- the mechanisms required in the WARR Act to enhance the Waste Strategy's strategic objectives
- the importance of "waste/unwanted resources" within the community, that waste management is an essential service equivalent to other services such as water or energy and implementation should be a collaboration of all sectors and the public (not just the Waste Authority, industry and local/regional governments)
- mechanisms used for decision making by the Minister and other key players including their roles as well as the timeframes and the transparency of decision making

The WARR Act establishes the Waste Authority and provides its powers. The Discussion Paper had the opportunity to further clarify the application of these powers and the potential for improvements to enable the Waste Authority to fully meet the objectives of the Act.

The WMCRG members have indicated that the ability of the Waste Authority to carry out its activities and its powers should be reviewed. Appropriate mechanisms should include:

- Providing the Waste Authority with more independence and strengthening its powers over planning for and implementation of waste infrastructure and resource recovery activities
- Powers which go beyond their current advisory role, to enable it to effectively implement State Government strategy objectives working together with the Regional and Local Councils.
- Requirements for strategic, sustainability assessments (including environmental, social and health and economic factors) within waste infrastructure plans for all new waste infrastructure
- The importance of development and implementation of appropriate Extended Producer responsibility schemes (such as Container Deposit Legislation) for Western Australia.

The WMCRG is aware that extensive prior consultation for waste management has been undertaken by WALGA. The publication *Vision For Waste Management* by WALGA outlines the direction considered appropriate by Local and Regional Councils for waste management in the metropolitan area. As Local Governments have the most intimate knowledge of waste management and its requirements, this document identifies the approaches and associated infrastructure needed to address waste/resource diversions from landfill. The Discussion Paper should have:

- acknowledged the legislative and regulatory mechanisms identified in this publication
- considered the implications of the mechanisms proposed

Communities in general in WA have limited knowledge about the regulatory requirements for waste management but most are receptive to systems that do not impinge upon their rights, are cost effective but still enable them to address waste concerns if they wish to. The lack of consistency across local governments can be confusing, uneconomic and, in its own way, wasteful. There are many aspects that the community believes should be addressed, including the following.

WMCRG members have identified the need for:

- Development and implementation of a whole of government and bipartisan approach for waste management in WA. Waste management should not be treated as a political issue.
- Consistent approaches to waste management collection and disposal across the state and particularly within the metropolitan area. The state government/Waste Authority should have an overarching integrated policy that will encourage householders to become more effective in reducing waste. This not should be

taken as an endorsement of a “top down” approach by statutory Waste Groups, but rather cooperative improvement in association with the Regional Councils, the community and others.

- Increased collaboration between state and local governments
- Easily facilitated mechanisms for waste separation at source. These should require a maximum number of easily identifiable containers per household/residence
- Improved education and communication about requirements for effective waste management
- Establishment of strategic plans for management of all wastes, including problematic wastes in WA and reduced reliance on market forces which can tend to focus on only some waste streams. Incentives are needed to reduce wastes and divert wastes from landfill, in particular incentives for householders who consistently do the right thing in respect of the 4 R’s that the EMRC actively promotes. Currently the fixed costs for collection services provide no incentive to reduce or segregate wastes. The charges to the public need to reflect costs associated with management of the differing waste streams as well as the potential for these to be reduced. Mechanisms that could be developed and implemented could include:
 - minimum payment for the street/premises service and a separate payment for bin lifts
 - electronic systems that record the content and weight of each bin emptied
 - less frequent collections of general waste in comparison to recoverable wastes
 - smaller bins
 - increased education and knowledge
 - incentives for improved segregation
- Cost effective mechanisms for collection and treatment of large items
- Standards and requirements for public waste segregation facilities especially in extensively used community facilities such as shopping complexes
- Penalties for contamination where appropriate, especially for Commercial and Industrial (C&I) as well as Construction and Demolition (C&D) wastes where the waste streams are more consistent and therefore more readily segregated

2. Current Local and Regional Council operations

Currently, those with the most experience in carrying them out are generally undertaking waste operations: that is the Local and Regional Councils. Ratepayers get what they need such as appropriate bins, roadside collection, separate recyclable and in some areas, green waste collections. Some Councils provide additional services such as bulk collections and drop off facilities.

Local Government has been in a state of flux and uncertainty since the reform process was initiated and investment decisions and long term planning have been seriously curtailed. Hence it is not surprising that the Discussion Paper notes that “No new commitments to alternative waste treatment facilities have been initiated

by Regional Councils in the last five years.” It is recognised also that there are cost disadvantages of small operations and local responses probably don’t address the bigger picture for the environment.

The WMCRG members have indicated that:

- The number of Regional Councils could be reduced to achieve better geographical alignment whilst maintaining the expertise and vision currently in place.
- The waste strategy laid out in 2012 was a step in the right direction, such that there are now some clearly enunciated objectives. The State Government should work in concert with the Regional Councils enabling their practical experience to be brought to bear on these higher-level objectives.
- Adequate guidelines need to be developed to ensure private operators achieve satisfactory outcomes whilst still being able to operate profitably. Operation costs could be lowered and the volume of recyclables would be more appealing to end-users.

3. Formation of Waste groups

The Discussion Paper proposes the establishment of statutory Waste Groups with requirements for mandatory membership by local governments and the activities of these waste groups directed through regulation. The main focus of these groups appears to be the development of regional waste plans and procurement of waste processing services from the private sector.

The WMCRG members have indicated that:

- The Discussion paper does not provide a reasonable argument for the diversion of responsibility from Regional Councils to new Waste Groups.
- Alternative Statutory Waste Groups should not be created as this will only create another level of costly administration without any effective benefits
- With appropriate changes to legislation, the Regional Councils could fulfil the roles considered and in principle provide the uniformity across the state that is required as well as show clear guidelines for the industry into the future giving certainty and better opportunities for investment.
- The reduction of Regional Councils from five to three has been put forward previously and that this should be supported (boundaries have been noted elsewhere and are supported by this group)
- Responsibility for waste management in WA should remain within government.
- An independent Waste Authority, supported by the Department of Environmental Regulation should be responsible for the development and implementation of Strategic Plans for WA that are translated at the local level through collaborations among local governments and coordinated by Regional Councils.
- Waste management should not be the responsibility of private industry which is profit driven, rather waste management should be community and environment best practice oriented. Private industry based waste management provides no opportunity for incentives to be available to the community, especially

householders. Indeed the converse would apply with increased rates to ensure viability of the waste disposal firm.

- It should be noted that with all change, unless there is good marketing there is resistance. It seems the majority of the public don't really care. They just want things to happen in the least painful way to them (both in terms of cost and effort)

4. Alignment of waste planning across Government

Planning for infrastructure is proposed through the development of a statutory waste infrastructure plan and development of waste management plans by the Waste Groups that align with the Waste Strategy and this state based plan.

The WMCRG members have indicated that:

- The development of a statutory waste infrastructure plan should identify the needs of the state in terms of appropriate numbers and types of facilities and associated infrastructure as well as their optimum location.
- The alignment of regional plans by the statutory regional groups can also ensure that local needs are addressed
- The regional plans can provide the potential for lower costs and a better outcomes for the environment and wider community
- The current ad hoc arrangements where industry can propose and develop facilities regardless of need or appropriateness of location and where impacts on the environment and communities are considered secondary are unsatisfactory at best. These arrangements can result in potential duplications, construction of facilities that conflict with state policy, can be situated in what are often regarded by the community as inappropriate locations and continue to leave gaps for processing of particular waste streams (e.g. glass, batteries etc.)
- The reform opportunities outlined in section 1.2 of the paper (and repeated below) "Context in which the review is being undertaken" should be further explored and endorsed through the development of a strategic plan.
 - increasing the relative value of materials extracted from the waste stream (through for example improved source separation);
 - establishing landfill options to avoid ad hoc siting of landfills, as environmental issues have precluded new putrescible landfills on the Swan Coastal Plain;
 - stimulating the development of major new infrastructure investments, such as waste to energy;
 - future waste infrastructure needs identified in State-level waste infrastructure plans;
 - establishing new regulatory frameworks for materials derived from waste that increase their ability to compete with and replace traditional products;
 - improving the yield and cost-effectiveness of waste collection and processing systems and services; and
 - reducing the fragmentation of waste services and increasing the coordination in communications activities aimed at householders and businesses.

5. Infrastructure planning - Governance

The Discussion Paper indicates that recovery of waste materials is limited and inefficient due in part to the current governance arrangements with waste industry. The proposal indicates that reform of the governance arrangements is required.

The WMCRG members note that

- The Discussion Paper has not outlined how the reform requirements would be achieved.
- Economies of scale will produce better outcomes.
- There are problems with having private operations contracted in this area being dollar driven, not environmentally driven.
- Tendering out works or leaving responsibility in the hands of industry may not achieve the best or desired outcomes.
- Local councils operating in a uniformly regulated environment would seem to deliver the longer term planned outcomes for waste avoidance and resource recovery.
- The paper seems to place more emphasis on governance than the economics of recycling. Recognition needs to be given to Perth's modest population, isolated geographical position and the economic realities of the market for recyclables.
- Some recycling targets may be able to be met with State Government "persuasion" but others will require more rigorous economic enforcement, e.g. targeted levies. Any income thus generated should not be lost into consolidated revenue but used to further enhance the targeted approach.
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6. Recommendations

The WMCRG members have developed this submission independently to be included with that from the EMRC. It is recommended that:

- The Department of Environment notes the comments and recommendations throughout this document.
- Support is given to the submissions by WALGA and the EMRC in particular the recommendations by the EMRC that:
 - *The State Government NOT consider the creation of new "Statutory Waste Groups";*
 - *The management of Municipal Solid Waste be undertaken by Regional Local Government;*
 - *Regional Local Governments be consolidated down from five to three based on contiguous, geographical clusterings;*
 - *It be compulsory for metropolitan local governments to be members of regional councils for waste management purposes; and*
 - *Increases be made to the level of hypothecation of funds raised through the WARR Levy to facilitate strategic waste outcomes"*

- *Review of the WARR Act 2007 be expanded to address Commercial & Industrial and Construction & Demolition waste streams;*
- *Extended Producer Responsibility initiatives be progressed; and*
- *A Container Deposit Scheme is introduced.*

Signed

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