

WMRC submission on Waste Reform Project

Response to DWER Discussion Paper – “Waste Reform Project: Proposed approaches for legislative reform”. [Available here](#)

Note: This Submission has not yet been endorsed by WMRC Councillors, however it will be considered at the earliest opportunity which is the 7th December Ordinary Council Meeting. The Department will be informed of any changes in this Submission resulting from this meeting.

Introduction and background

The WMRC welcomes the opportunity to comment on the Waste Reform Project (WRP) which is primarily concerned with legislative changes to the Environmental Protection Act 1986 and both the Waste Avoidance and Resource Recovery Act 2007 and the Waste Avoidance and Resource Recovery Levy Act 2007 and associated regulations. The WRP is one of a suite of discussion and consultation papers issued by the Department of Water and Environmental Regulation (DWER) in recent months. Submissions are due by 16th November 2017. It follows consultation on the forthcoming Container Deposit Scheme (CDS) for which the WMRC has made a submission and is followed by consultation on the Waste Avoidance and Resource Recovery Strategy (WARRS) for which submissions are due by 1 March 2018.

Although it is not explicitly stated in the documentation, the WRP has been described by DWER staff as a conceptual paper; in contrast to the discussion papers referred to above it does not seek input from the public. Submissions will be made by both WALGA and WMIAA and the recommendations in this submission have been used to inform recommendations from a WMRC perspective. However the WMRC does think it is important that a working group be formed to enable key stakeholders to ensure that the full consequences of the proposed changes are understood.

Aims of review

The aims of the review are primarily concerned with strengthening relevant legislative links, clarifying and updating terms and improving measurement and reporting in order to ensure that the Waste Levy is applied appropriately, the legislation is aligned with the aims of the Waste Strategy and that waste and recycling data collection is improved.

Improve links between EP Act and WARR Act

The WMRC questions changes to legislation prior to a potential major change in the State Waste Strategy which are foreshadowed by the release of the WARRS consultation paper and would suggest that it may be preferable to clarify the WARRS prior to changing the legislation.

However the WMRC in principle supports increased links between the EP Act and the WARR Act to facilitate waste reprocessing and moves towards a circular economy, neither of which appears envisioned in the current legislation. Currently, applications of the EP Act discourage some activities (e.g. composting) which are important in the current State Waste Strategy objectives and likely to continue in the WARRS.

Clarification of situation when waste levy applies

The WMRC supports consistent application of the Landfill Levy and simplifying processes to minimise transactional costs around Levy exemption when materials (e.g. C+D) are subsequently taken off site for reuse.

Streamline waste categories and update waste disposal terminology

As the WMRC's facility is only a Transfer Station (equivalent to Category 62) the different application of terminology in the Acts to different landfill types and to different treatments of waste is not of direct consequence. However the WMRC does support updating site categories in line with current and likely future terminology and disposal terminology for consistency between Acts and to facilitate reuse, reprocessing and recycling. The WMRC also supports continuing applying the Levy to landfill sites only.

Improve waste measurement

The WMRC supports improving waste measurement methods including requiring disposal facilities over a certain size to have weighbridges as long as there is significant up-front Government funding for their installation where they are required. The layout of some sites may mean sizeable and costly civil works are required to change the site layout to allow for a weighbridge.

The WMRC supports simplifying waste reporting to minimise duplication. A single portal would be a useful approach.

Other possible applications

Although not specifically mentioned, expansion of the Waste Levy area beyond the Perth Metropolitan region is not supported by the WMRC if the current legislative and regulatory framework continue. Were this framework to be simpler, more effective and more aligned to aims for the WARRS, then this position may change.

Summary of Recommendations

- 1. Form a stakeholder working group to ensure that full consequences of the proposed changes are understood.**
- 2. Improve links between EP Act and WARR Act to avoid undermining the WA Waste Strategy, however take the outcomes from the ongoing Waste Strategy review into account in so doing.**
- 3. Clarify cases where Landfill Levy applies and simplify processes to minimise transactional costs**
- 4. Update site categories in line with current and likely future terminology and continue to apply the Landfill Levy to Landfill sites only**
- 5. Improve site waste measurement methods in a way that does not create an prohibitive cost on operators**
- 6. Simplify waste reporting to avoid duplication eg via a portal approach**
- 7. Do not expand the Landfill Levy to apply to waste beyond the Metropolitan region unless the legislative and regulatory framework is significantly improved**

Conclusion

The WMRC welcomes the chance to comment on the project and acknowledges the need for changes to align legislation with current and proposed future practices and thinking. Much of this will be crystallised in the recently-announced review of the WA Waste Strategy with the release of the WARRS consultation paper and the Strategy should form the framework for the legislation and

regulation. The WMRC comments on specific points are contained within the body of this report and summarised above.

References

DWER Western Australia – Waste Reform Project Proposed approaches for legislative reform – July 2017

DWER Western Australia – Waste Avoidance and Resource Recovery Strategy Consultation Paper – October 2017

WALGA – Discussion Paper Review of the Waste Levy Policy Statement 2009 – September 2017

WMAA – Submission on Consultation paper: Proposed amendments to the WARR Regulations 2008 to require Record-keeping and annual reporting of Waste and Recycling Data – August 2016

WA WMAA Branch Waste Reforms Consultation meeting notes – October 2017

WA Waste Authority – Western Australian Waste Strategy Creating the Right Environment – 2012