

Response ID ANON-VAVM-U5JT-2

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

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Introduction

1 What is your name?

Name:

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2 What is your email address?

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3 Do you want to remain anonymous?

No

4 Do your view officially represent those of an organisation?

Yes, I am authorised to submit feedback on behalf of an organisation

5 Which of the following best describes the group or person you represent?

Company

Waste policy development

6 Please provide feedback on the roles and functions of the Waste Authority and the CEO and department under the WARR Act? What are the potential areas for improvement? What benefits or impacts may result from clarifying the department's role and responsibilities?

waste policy development question:

While the issues relating to the roles and functions of the Waste Authority (WA), the CEO and DWER have a basis in the EP Act and the WARR Act, the problems which have been identified by the AG and PAC reports primarily relate to working level arrangements. Alcoa understands that these are now provided for under the recently agreed SLA (not supplied) and has noted an improvement in overall exchange between DWER and WA.

There are several key benefits for Alcoa that will come from an improved relationship between WA, the CEO and DWER:

- greater certainty regarding the direction of waste policy; in our view, the recent range of consultations across a range of waste-related policy issues would have been more coherent and streamlined if DWER and WA were clear on their respective roles;
- there is a direct correlation between business confidence in regulators and those regulators performing distinct roles according to relevant legislation;
- clarification of roles would likely lead to better outcomes in terms of levy money being spent on developing waste reuse recycling opportunities; it is likely that recent challenges in spending money is the result of lack of clarity and overlap of roles.

Administering the WARR Account

7 Are there any potential issues arising from the proposed reforms to improve the administration of the WARR Account?

Administering the WARR Account:

Alcoa understands the reasoning for the proposed reform of the WARR Act is to confirm that the responsibility for the WARR account sits with the CEO. However, it is crucial that WA has some autonomy from DWER in the performance of its role. With this in mind, WA should have a legislated role to enable input on the management of the WARR account. One approach may be to clarify the intent of 'administer' under s 79 of the WARR Act. If this is not provided, the risk is that programmatic elements that are the sole responsibility of the WA may not be appropriately funded.

Provision of services to the Waste Authority

8 Please provide feedback on the proposal to allow the Waste Authority to directly employ its own staff, or to enable the Minister for Environment or some other person to employ or appoint persons to work directly for the Waste Authority. Will this support the work of the Waste Authority and the department?

Provision of services to the Waste Authority:

In order to better empower WA to fulfil its role, there should be provision for it to employ its own staff. However, there is merit in continuing to draw a majority of its workforce from DWER under the SLA arrangements due to the shared purpose, related skills and experience DWER officials are able to bring into the WA.

Waste services

9 What are your views about the proposal to enhance the capacity of the WARR Act to improve waste services? Do you see any potential issues?

Waste services:

The Discussion Paper notes that there would be some benefit in including provisions which build capacity for improved efficiency and innovation for the long-term viability of onshore processing in the WARR Act. The Discussion paper does not, however, articulate a clear proposal in this regard. Alcoa gives its in-principle support for proposals that enhance the WARR Act capacity to improve waste services and would welcome the chance to provide feedback on specific proposals in future stages of consultation.

Waste legislative issues

10 Are there any potential issues that may result from these proposals to improve operational and administration aspects of the CDS?

Waste legislative issues 1:

11 Please provide comments on product stewardship plans or extended producer responsibility schemes, and if the WARR Act requires amendments to support their introduction.

Waste legislative issues 2:

Part 5 of the WARR Act supports a framework for voluntary stewardship which has had limited success. Given the limitations of the current design, Alcoa supports a review of the legislative structure to support a co-regulatory framework and stimulate industry activity.

12 Please provide feedback on these proposed changes to support regulations that implement the waste management framework. Will increasing penalties under the regulations be effective in deterring illegal waste activities?

Waste legislative issues 3:

Only increasing penalties will have a limited effect in deterring illegal waste activity. Equally important is a consideration of resourcing for compliance and enforcement activity; a penalty is only likely to deter individuals and organisations if it is felt that there is a reasonable likelihood of being investigated and prosecuted.

Other

13 Are there any other matters which should be considered as part of this review of the WARR Act?

Other:

14 How do you think the WARR Act could better support an innovative and thriving waste sector, and ensure that waste and recycling services are effective?

Other 2:

Alcoa encourages DWER to look holistically at all areas that impact waste management as part of its efforts to reshape waste legislation to better support an innovative and thriving sector. A review of the existing barriers and enablers for waste avoidance, reuse, recycling and recovery is vital to enabling informed development of effective policy and legislation.

As a key element, a review of the waste levy allocation is needed to support a transformation of waste performance by developing industry and supporting innovative technologies. At a national level, in 2019-20 it is estimated that of the \$1.54 billion in funds raised only 37 per cent (around \$569 million) will be reinvested into waste and recycling activities. In Western Australia the percentage is lower with only 25 percent (\$20.75 million) of the forecast waste levy revenue allocated to waste-related activities. The operation of the WARR Account should be reviewed to align the allocation of funds with the objectives of the waste strategy to maximise benefits from future expenditure.