

Response ID ANON-VAVM-U5ZE-3

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:

The Waste Authority functions under section 19 and Schedule 2 of the Act currently include:

- To develop, promote and review the waste strategy and coordinate its implementation.
- To support State and Commonwealth policies which will enhance progress towards zero waste.
- To promote resource efficiency, waste avoidance and resource recovery.
- To promote market development for recovered resources and recycled materials.
- To promote the development of locally owned resource recovery infrastructure.

As the roles and functions of the Waste Authority, CEO and department are clarified through this review, the Waste Authority should be empowered to also consider the energy and emissions implications of proposed policy directions and other actions given the contribution of the waste sector to Australia's emissions and the Western Australian Government's commitments to working with all sectors of the WA economy to achieve net zero greenhouse gas emissions by 2050 (refer to <https://www.der.wa.gov.au/your-environment/climate-change>). Empowering the Waste Authority to take a more integrated view of environmental issues for the waste and recycling sector will help a circular economy to be achieved.

Through clarification of its powers regarding waste management infrastructure and market development, the Waste Authority should also be tasked with providing independent and verifiable analysis of the waste management and emissions benefits or otherwise of new technology proposals relative to existing infrastructure. This could become important as in recent thermal Energy from Waste proposal assessments, LMS Energy has identified that critical errors in emissions modelling occurred from a failure by the proponents to consider actual landfill gas capture practices in the locality of their proposals – resulting in them showing a large net reduction when emissions will actually increase from existing levels.

It should also be put beyond doubt that the Waste Authority can commission and coordinate research, undertake policy analysis and recommend legislative or policy changes to Government in support of these functions.

For example, if the Waste Authority were seeking to increase the recovery of organic materials via market development, the Waste Authority may seek a review of technical and policy advice to show the benefits that anaerobic digestate in compost can offer (including potentially improved carbon sequestration and improved water holding capacity by soils), pursue research to show outcomes for crops of particular interest in WA if needed and then recommend policy amendments to best support recovery, use and emissions outcomes.

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:

LMS Energy agrees that clear expenditure powers are essential for efficient function and has no particular views on any structure to be adopted. Straightforward

administrative powers to implement approved business plans, including any grant programs, are necessary to achieve desired outcomes in the most timely manner.

It is noted South Australia demonstrates a contrasting model for consideration. Green Industries SA, the Waste Authority's comparative body, has direct staffing, expenditure power per its annual business plan and reporting. Monies used for its staffing, education, grants, research and all other activity come from the Green Industries SA Fund under the Green Industries SA Act 2004, which is comprised from a defined portion of the total waste levy collected under the Environment Protection Act 1993.

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:

LMS Energy has no particular views on any structure to be adopted. It highlights that straightforward administrative powers to implement approved business plans, including any staffing needed for such implementation, are necessary to achieve desired outcomes in a timely manner. It is inefficient for agencies and authorities to regularly dedicate time and resources on permissions to engage staff and for any potential rejection of requests to impact on strategic outcomes. The Green Industries SA Act 2004 could be reviewed to aid consideration of differing approaches.

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 proposed enhanced improvement capacity should be framework in character and must not be tied to any particular waste management technologies. Significant care will need to be taken to ensure that seeking services that are "cost effective, safe and reliable" alongside the other aims does not inadvertently act to prevent innovative developments that will promote better sustainability outcomes (including emissions outcomes) than current waste management practices.

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:

No comment.

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:

LMS Energy observes that effective product stewardship or extended producer responsibility can prevent issues arising at landfill (eg landfill fires from chemical reactions of wastes with lithium ion batteries) and contamination in recovered materials (eg plastics affecting anaerobic digestates and composts) as well as potentially helping the designing out waste. LMS Energy is therefore supportive of enabling such plans and schemes if they can be successfully catered for in the WARR Act.

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:

LMS Energy strongly supports the proposed ability for a broader range of existing documents to be able to be adopted for use under WA law. This could help with efficiency and harmonised approaches.

LMS Energy agrees with higher penalties to help deter illegal waste activities which undercut WA's waste management goals and the activities of legitimate businesses. It considers that even higher penalties would be appropriate given the financial incentives for illegal dumping and the difficulty in its detection. It notes that South Australia has significantly larger illegal dumping penalties of up to \$250,000 for body corporates in particular circumstances under clause 10 of the Environment Protection (Waste to Resources) Policy 2010.

Other

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

Other:

Landfills are a large source of carbon emissions within Australia and methane escape can also potentially pose safety hazards. However, when captured, landfill biogas is 100% renewable, deriving wholly from natural processes for organic wastes, is the lowest cost EfW technology in Australia and provides baseload electricity to aid grid stability and power homes and businesses. Overall, the landfill biogas sector provides up to around 30% of Australia's total carbon abatement (refer to <https://offsetsmonitor.org.au/> - Issued Australian Carbon Credit Units) .

LMS Energy is Australia's largest emissions reducer and most experienced energy from waste (EfW) company, having operated for almost 40 years in the waste and bioenergy sectors. It has also recently established six solar farms on Australian landfills. To date, LMS has abated more than 40 million tonnes of carbon from the earth's atmosphere.

LMS Energy suggests that the Objects of the WARR Act should be reviewed to reflect circular economy objectives in the overarching framework of achieving sustainability and the EP Act's principles. A more holistic approach that clearly provides for environment protection, emission reductions and energy impacts together with resource recovery goals would be preferable. In any case, the objects should distinguish and prioritise landfills that recover energy as a preferable outcome to landfills without energy recovery.

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:

Clear governance and financial accountability together with appropriate powers are important steps in improving waste and recycling services and enabling innovation. As stated previously, the Objects should also be reviewed.