

## Response ID ANON-VAVM-U5JV-4

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

Submitted on **2020-11-25 14:50:42**

### Introduction

#### 1 What is your name?

**Name:**

Brendan Doherty

#### 2 What is your email address?

**Email:**

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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?

Government body

### 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:**

An independent agency funded by the WARR account with own staff and board of directors.

Strategy and Policy formulation independent of the regulatory and compliance arms of the DWER.

Provision of funding to support local government and industry to achieve strategic objectives.

Actively encourage and support innovation and the implementation of strategy.

Eg: ability to revise and increase landfill levy to make recovery systems viable/competitive with landfill

Reward early adopters.

Eg: FOGO roll outs

Timely reaction to market changes and barriers.

Eg: China Sword

Supports industry innovation and faster progress to strategic goals.

### 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:**

Where the changes align with other relevant acts and legislation eg financial management then supported.

Consideration will need to be given to amendments if an independent waste authority model is to be adopted and transparency around the collection and use of landfill levy funds.

### 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:**

Supported - allow the Waste Authority to directly employ its own staff

Yes

**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:**

Supported where waste collection services are required to be consistent to achieve effective state-wide communication and behaviour change strategies and to best utilise existing waste assets and plan for investment in future waste management precincts and assets.

This may conflict with strategic directions on the part of individual local governments and regional Councils.

Australian competition law and policy may also need to be considered if results in market concentration of asset investment and services contracts?

**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:**

In relation to CDS legislation prohibiting disposal of CDS containers this is supported from the perspective of an MRF operator. Alternative wording that encompasses demonstrated best practice or the like may be more appropriate.

**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:**

Strong support for legislation at state level for product stewardship plans and extended producer responsibility schemes.

**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:**

Support for consistency in terminology and definitions across legislation.

Consideration to be given to avoiding duplication of/lack of clear responsibility across acts and regulations where possible.

Yes, increasing penalties under the regulations will assist in deterring illegal waste activities.

There should be scope to administer significantly higher maximum penalties to reflect the size and gross operating revenue of companies involved and the degree of advantage that has been gained through conducting illegal waste activities.

There appears to be a lack of resources on the part of DWER to effectively investigate and deter illegal operators, needs to be funded and prioritised appropriately. There also appears to be a disconnect between DWER compliance and regulation and DWER strategy.

eg: illegal operators are gaining a competitive advantage over organisations that are doing the right thing to try and assist DWER to achieve strategic goals.

Penalising illegal site operators alone has not been shown to be effective and additional consideration could also be given to penalties for organisations that contract with and use illegal facilities to dispose of their waste.

**Other**

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

**Other:**

Waste tracking and chain of custody systems are required to effectively address illegal activities and the avoidance/non-payment of landfill levies.

There has been an increase in recovery activity in the Perth metropolitan area as a result of the levy increases.

eg: in the area of hard waste/junk collections of verge waste and commercial and industrial wastes. These operations are being conducted within commercial and light industrial areas often without licenses or planning approvals.

Whilst there is a genuine recovery of materials occurring the residual wastes from these facilities are transferred in bulk loads to disposal facilities and are untraceable in terms of final point of disposal and landfill levy capture.

**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:**

Invest in personnel and systems to effectively apply the landfill levy across all waste generators and return funds to local government and industry to encourage the right investment needed to achieve state strategies.

Alignment with low carbon economy and life cycle costing.