Submission Coversheet for
Consultation Paper for Product Stewardship Legislation

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Submission
National Waste Policy: Less Waste, More Resources
Product Stewardship Legislation Consultation Paper
November 2010

Status of this Submission

This Submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). MWAC is a standing committee of WALGA, with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management). The Regional Council members of MWAC include the Eastern Metropolitan Regional Council, Mindarie Regional Council, Rivers Regional Council, Southern Metropolitan Regional Council, Western Metropolitan Regional Council and the City of Geraldton-Greenough. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate. This Submission therefore represents the consolidated view of Western Australia Local Government. However, individual Local Governments and Regional Councils may have views that differ from the positions taken here.

Due to meeting schedules and the short timeframe of the consultation, this Submission has not yet been endorsed by MWAC, however, it will be put before the Council at the earliest opportunity (Wednesday 15 December 2010) and Department will be informed of any changes to this Submission following consideration by MWAC.

Executive Summary

There needs to be a fundamental shift in how responsibility for waste management is assigned. The current assumption of Local Government continuing to be able to provide services for all products is not sustainable. Waste is no longer simple, cheap or easy to deal with, as waste increases in volume and complexity so does our understanding of the impacts of waste on the environment, society and the economy.

Local Government strongly supports the development and implementation of National Product Stewardship Framework Legislation to enable the development, accreditation and implementation of Product Stewardship Schemes.

Key Recommendations

Key Recommendation: Increasing cost of waste management, for the community and Local Government, should be included as a key driver for Product Stewardship.

Key Recommendation: Need to ensure consistency between the drivers for the legislation, object clause and the product selection criteria.

Key Recommendation: The need for industry to take greater responsibility for end-of-life product management be recognised as a key driver for regulation.

Key Recommendation: A list of priority products for product stewardship is developed by the Federal Government in consultation with State/Territory Governments, Local Government and the community.

Recommendations

Recommendation: A list of priority products for product stewardship be developed by the Federal Government in consultation with State/Territory Governments, Local Government and the community.

Recommendation: Ensure the objects of the Act in line with the drivers that have been identified for Product Stewardship (and the framework legislation).

Recommendation: That roles and responsibilities in relation to the collection of materials be clearly negotiated for all product stewardship schemes.

Recommendation: The conditions of accreditation be clearly articulated and should include clear aims, auditing and review mechanisms to ensure voluntary schemes are meeting the objects of the Government.

Recommendation: To ensure co-regulatory schemes meet Government Objectives these schemes should include clear and binding aims, auditing and review mechanisms.

Recommendation: That mandatory schemes not be limited in their potential application.

Recommendation: The National Waste Policy Markets and Standards Working Group consider how their work will integrate with future Product Stewardship Schemes.

Recommendation: Sufficient resources be allocated within government to ensure that compliance and enforcement activities can occur.

Recommendation: A well publicised complaints mechanism be included as a method of monitoring compliance.

Table of Content

PART ONE: Context

Introduction

In Western Australia, under the Waste Avoidance and Resource Recovery Act 2007, Local Government is responsible for Local Government waste - this is defined as material collected from households and generated by the Local Governments own activities. Local Government provides waste services to the majority of households in the State. In the metropolitan area, a collection service for waste and recycling is provided to the vast majority of households. In the non-metropolitan area, the majority of regional centres have both kerbside waste and recycling services; in the regional areas waste and recycling services vary dependent on population. In addition to service provision, Local Government also has a role as a community representative and regulator.

From Local Governments point of view, there needs to be a fundamental shift in how responsibility for waste management is assigned. The current assumption of Local Government continuing to be able to provide services for all products is not sustainable. Waste is no longer simple, cheap or easy to deal with, as waste increases in volume and complexity so does our understanding of the impacts of waste on the environment, society and the economy. Given that situation, Local Government strongly supports the development and implementation of National Product Stewardship Framework Legislation to enable the development, accreditation and implementation of Product Stewardship Schemes.

Costs and responsibility for disposal of material will always be borne, ultimately, by society and the environment, however through Product Stewardship schemes the responsibility and cost can be negotiated and directed toward the producer. For producers this means there is an imperative to think through the life cycle of their product, considering waste minimisation and intelligent product design and ensuring there are disposal or recycling options available.

The Submission follows the structure of the Product Stewardship Legislation Consultation Paper (the Consultation Paper); comments on particular sections in the Consultation Paper are made under the same headings.

The Drivers for Product Stewardship

The Consultation Paper identifies both international and national drivers for product stewardship. Local Government acknowledges the range of drivers identified for Product Stewardship Schemes and would like to make specific comment on those identified for the Australian context. These include:
- Increasing population and consequent increased waste generation;
- Increasing complexity of waste;
- Hazardous materials within the waste (that have potentially negative effects on the environment and human health);
- The need for new treatment technology to manage new materials;
- Global supply chain of product generation and disposal (need to ensure Australia complies with international obligations);
- No incentive for producers to minimise hazardous materials in products;
- Lack of consumer awareness of the hazardous nature of the material in products they purchase and the correct way/means and cost of disposal;

- Short life span of products;
- Regulatory failure (including perverse outcomes to regulations or a proliferation of different legislation in different states, could be termed inefficient regulatory approach); and
- Market failure (including price incentives to reduce hazardous materials, information asymmetry and cost of recycling/recovery).

While acknowledging the range of drivers for Product Stewardship, Local Government would like to further highlight and discuss the issue of market failure as it pertains to service delivery. As noted, Local Government in WA provides a large range of waste management services to households (and in some cases the commercial sector). Local Government also serves a regulatory function as enforcer, for example in the illegal dumping and littering area.

The challenges for WA in relation to service delivery include distance (within the state and to market) and a relatively low population density. Under these conditions the cost of service delivery is important, as economies of scale may not be present and small fluctuations in cost of services have a significant impact. Local Government sees that a range of the identified Product Stewardship drivers affect cost of service delivery. These include increasing volume and complexity of the waste stream, hazardous nature of material, shorter life span of products and the need for new treatment methods.

Key point: For Local Government one of the key drivers for product stewardship is increasing costs of recycling and recovering products.

As a community representative, another significant driver for Local Government is the increasing community expectation regarding the recovery and recycling of products. When developing a product stewardship scheme the drivers relevant to that particular scheme need to be clearly identified. A scheme which is aiming to address hazardous materials within a product is likely to have a significantly different design and approach to a scheme where the aim is to avoid environmental harm through increased collection of material. With any scheme it is likely that there will be an expectation that a range (if not all) drivers will be covered.

Key Point: The drivers identified for a scheme will guide the design of the scheme and will need to be clearly identified in order to manage stakeholder expectations regarding what a scheme is intended to achieve.

Recommendation: Costs of product recycling/recovery and disposal be identified as one of the key drivers for product stewardship.

The Role of National Product Stewardship Legislation

Local Government strongly supports the development and implementation of National Product Stewardship Framework Legislation to enable the development, accreditation and implementation of Product Stewardship Schemes.

Lessons from existing product stewardship schemes

Local Government in WA has relevant experience with several product stewardship schemes. These include the Product Stewardship for Used Oil Scheme and the DrumMUSTER scheme.

Product Stewardship for Used Oil Scheme

Experience with existing product stewardship schemes, such as the Product Stewardship for Used Oil (PSO) Scheme, indicates that problems can arise when producers do not have a practical interest in the material collected through a scheme, where governments are in the position of being 'responsible' for the disposal of this waste and where there is a limited market for materials.

Local Governments have expressed concerned that the product stewardship philosophy does not adequately resolve the issue of shared responsibility for product disposal. For example, in the case of the PSO, it is assumed that Local Government will be responsible for the disposal of products. This approach does not provide compelling drivers for significant change in producer or consumer behaviour. For example, if producers take some responsibility for their products at end-of-life, they acquire a direct incentive to maximise the ease and affordability of discharging that responsibility.

The current PSO arrangements have lead to a situation in WA where market failure has occurred in regards to used oil. Oil recovery has increased with only limited market development. Currently Local Governments are paying for the recycling of used motor oil. This situation is not the case in other states, where sufficient volumes and market options mean free collection has continued.

DrumMUSTER

DrumMUSTER is an industry-run scheme where the collection and recycling of the material is organised by industry (and the material collected at Local Government sites). As industry runs the scheme, responsibility lies with them to organise the recycling and ensure that it occurs.

Key point: A national scheme Product Stewardship may not have the same outcome in every jurisdiction.

Key Point: Industry responsibility for end-of-life management is important in the design of product stewardships schemes.

Recommendation: Equity of service delivery be a consideration in Product Stewardship Scheme design – nationally consistent application may not result in consistent outcomes.

Key components of the Framework Legislation

The Consultation Paper identifies that the legislation will provide for accrediting voluntary product stewardship schemes as well as regulating products or industries with a co-regulatory or mandatory approach. As has been mentioned Local Government is supportive of the Framework Legislation approach including the variety of options for Product Stewardship.

How will products come to be subject to the legislation?

From the Consultation Paper there does not seem to be a specific selection process envisioned for how products will be selected for product stewardship; rather a range of approaches are proposed including industry 'self selection' for voluntary schemes and a political process for determining other priority products.

Local Government would like to propose that a list of priority products needs to be developed. This list of priority products needs to be established using information from an open and accessible consultation. This would assist in identifying the range of products that are (or are becoming) a problem. Such a process would allow Government to show leadership in this area and clearly identify problems for action, rather than wait for industry to self select. In a previous *WALGA Submission on the EPHC Industry Discussion Paper: Co-regulatory Frameworks for Product Stewardship (2005)* the advantage of this approach was also highlighted, "the system of creating priority lists…invest a systematic responsibility in government for identifying whether an industry has reached the point where it must act, rather than leaving that question to industry to resolve".

The process of developing this list of priority products is further discussed under the Product Criteria section of this Submission.

Key Point: If a particular list of priority products is developed, this shows clear leadership from Government and puts industries 'on notice' that Product Stewardship is required.

Recommendation: A list of priority products for product stewardship be developed by the Federal Government in consultation with State/Territory Governments, Local Government and the community.

Objects of the legislation

The Objects of the proposed legislation outlined in the Consultation Paper are stated as:
   a. *reduce the environmental, health and safety impacts of products across the manufacture-supply-consumption chain and at end-of-life, including through:*
      I. *avoiding the generation of waste;*
      II. *reducing or eliminating the amount of waste for disposal;*
      III. *designing products in a way that reduces or eliminates hazardous substances in products;*
      IV. *managing waste as a resource; and*
      V. *ensuring that waste treatment, disposal, recovery and re-use is undertaken in a safe, scientific and environmentally sound manner;*
   b. *assist in the co-operative implementation of Australia's international responsibilities concerning the environmental, health and safety impacts of products across the manufacture-supply-consumption chain and at end-of-life.*
   c. *Contribute to reductions in greenhouse gas emissions, energy use and water consumption by encouraging responsible management of products across the manufacture-supply-consumption chain and at end-of-life*

These objectives address some of the drivers for Product Stewardship (including environmental and health considerations, minising hazardous material and meeting international obligations). However the last point, which identifies contribution to greenhouse gas emission reduction, energy use and water consumption, although supported was not initially identified as a particular driver – and it could be argued is already covered by the first objective of reducing environmental impacts of products across the supply chain.

Recommendation: Ensure the objects of the Act in line with the drivers that have been identified for Product Stewardship (and the framework legislation).

Product Criteria

The Association supports the approach suggested where particular products are tested against a range of different criteria.

In the WALGA Policy Statement on Extended Producer Responsibility (EPR) (Appendix 1) the following questions are suggested as a starting point to assist with determining whether a product should be subject to an EPR scheme:
- a. Does the waste or product cause significant environmental or social impacts?
- b. Does the waste or product cause significant costs for waste processors?
- c. Does the waste or product have unrealised potential for recycling / resource recovery?
- d. Is the waste or product likely to be disposed of illegally?
- e. Does the waste or product cause significant community concern?
- f. Is the producer well placed to reduce the impacts of their products?

To determine which products were a priority for Local Government, WALGA undertook a process of assessing priority products against these criteria (the consolidated report on the findings from this process are included as Appendix 2). Local Governments provided feedback to WALGA on the problem products in their area, then a filter of product selection criteria was used to establish priorities. This process allowed Local Governments to identify their specific issue and also highlighted where existing product stewardship arrangements were not working (in this case Used Oil).

Proposed criteria	Comment
Are products or materials in a national market	Support – Products or materials in a national market – as this is national legislation it could be argued that this is essential criteria for the development of a Product Stewardship scheme. However, if a product or material were in the majority of states/territories it could equally be argued that rather than the individual jurisdictions legislating a more systematic approach would be for national legislation. An additional issue, which is also relevant to the national coverage issue is whether a product is of concern in all or a majority of jurisdictions. It could be argued that as one of the major economic incentives for a national approach is to avoid fragmented legislation then if a certain number of states/territories were in favour of a product stewardship for a particular material then a national approach should be taken. Presumably through the Regulatory Impact Statement process this issue could be quantified and addressed.
Whether the product contains hazardous or toxic substances	Support
Whether there is the potential, in relation to the product, for increase resource recovery, material conservation, re-use,	Support – however, note previous comments on the scope of the objects of the Act in relation to (greenhouse gas reduction, energy or water conservation).

recycling or contribution to greenhouse gas reduction, energy or water conservation	
Whether the product places significant economic burdens on jurisdictions (including local government) for end-of-life management	Support – the cost to Local Government has been identified as a significant concern.
Whether the consumer is willing to pay for management of the product	Support – this could be seen as a proxy for the community concern criteria established in the WALGA Policy Statement.
Whether management of the product offers business opportunities that would make a contribution to the economy	Support – although this is not one of criteria included in the EPR Policy Statement, Local Government supports the development of local markets and uses for materials. If there are linkages between product stewardship schemes and market development this will assist in ensuring the long term success of the scheme.

Table 1: Assessment of criteria proposed

As noted a national approach to Product Stewardship is supported – however the fact of national legislation should in no way inhibit individual state action either, given that what is an issue in a state like Western Australia (with a relatively low population and large distances) may not be an issue for the New South Wales.

Additional criteria reflecting the need to comply with international obligations is supported.

Key Point: National Legislation should not inhibit state action.

PART TWO: Roles and Responsibilities under the legislation

Roles and responsibilities for state, territory and local governments

Current Role of Local Government
As noted, Local Government has a current role in the collection and disposal of a large range of materials throughout WA. As an example, Local Government is currently collecting and recycling a range of electronic materials. In just six months, metropolitan Local Governments and Regional Councils collected almost 250 tonnes of e-waste, with a cost to recycle this material to Local Governments of over $200,000. The majority of these collections were not advertised, indicating the interest and expectation from the community for the role of Local Government in collecting this material. The recycling costs does not include the staffing costs of Local Government officers for the segregation/sorting of these materials.

Future role of Local Government
There is an expectation from the community that Local Government will collect material. However, as has been noted, Local Government services are under pressure due to the range of materials and services that are being provided. Therefore it cannot be assumed that Local Government will continue to be able to provide these services – or act as a collection point for all future product stewardships schemes.

Using the e-waste example, for Local Government to collect e-waste there are significant costs and impacts, not only the costs to recycle material but the staff time and site space to undertake the collections. Large increases in tonnages would effect the management of collection sites. Local Government may not, within their current arrangements, be able to manage substantial increases in tonnage of e-waste.

Product Stewardship implies that industry will take a greater role in the management of products at end-of-life. It is Local Governments expectation that industry will take a role in not only funding Schemes but involvement in the collection and end-of-life management of material.

Key Point: While supportive of Product Stewardship, it should not be assumed that Local Government will (or has the capacity to) act as a collection agent for all future product stewardship schemes.

Recommendation: That roles and responsibilities in relation to the collection of materials be clearly negotiated for all product stewardship schemes.

In the Consultation Paper the role of State/Territory government as a regulator is identified. It should also be noted that Local Government frequently plays a role as a regulator particularly in local planning areas.

Key Point: clarify that Local Government has a role as a regulator also, particularly in the planning and local level compliance with regulation area.

The role consumers and the community will play in product stewardship arrangements
Support the role of the industry body running the product stewardship scheme to be responsible for the promotion of the scheme. However, need to ensure that consultation with the current (if applicable) providers of the service.

PART THREE: Product Stewardship Schemes

Voluntary approach
The process of accrediting voluntary schemes is likely to be useful to Local Government as it will ensure that due diligence is undertaken on the way the products are collected and recycled and will mean that individual Local Governments / or the Association does not have to undertake this task before recommending a scheme.

The conditions of accreditation will need to be clearly articulated however and Local Government would expect that the process will be in line with government priorities and include clear aims, auditing and review mechanisms.

Recommendation: The conditions of accreditation be clearly articulated and should include clear aims, auditing and review mechanisms to ensure voluntary schemes are meeting the objects of the Government.

The Consultation Paper indicates that the accreditation will not require a Regulatory Impact Statement (RIS), however statements by an Officer of Best Practice representative at the

EPHC Stakeholder Consultation Session on Packaging indicated that this process could indeed require a RIS. Further investigation of this is suggested.

Co-regulatory Approach

The conditions of co-regulatory will need to be clearly articulated however and Local Government would expect that the process will be in line with government priorities and include clear aims, auditing and review mechanisms.

There is strong support for the establishment of clear points of liability for specific schemes and the application of thresholds to involvement in schemes is also a useful mechanism.

Recommendation: To ensure co-regulatory schemes meet Government Objectives these schemes should include clear and binding aims, auditing and review mechanisms.

Mandatory Approach

There is support the inclusion of the mandatory option, including the potential prescriptive obligations (tools) noted. These included restrictions on product design, import and manufacture and distribution restrictions.

Local Government would consider that a mandatory approach would be relevant wherever a voluntary or co-regulatory scheme was not an option to achieve the objectives of the legislation. The Consultation Paper seems keen to limit the application of mandatory scheme.

As identified in the Consultation Paper, lessons learned from overseas product stewardship schemes include, "participation of manufacturers in the physical management of their end-of-life products is a significant factor in success of EPR schemes".

The Association strongly suggests that for future Product Stewardship Schemes responsibility should be apportioned in order to compel behaviour change. This may mean mandatory, rather than co-regulatory or voluntary schemes. In that case, the test of what is required for a mandatory scheme should not be too stringent.

Key Point: A mandatory scheme should be an option for any priority products where voluntary or co-regulatory approaches are unlikely to achieve outcomes.

Recommendation: That mandatory schemes not be limited in their potential application.

PART FOUR: Obtaining and maintaining accreditation or approval of product stewardship arrangements

There is an expectation from Local Government that there will be consultation in the development of the scheme, not limited to the producers of products but also with those currently dealing with the product at end-of-life. Local Government as the current collector of many materials is likely to be impacted upon by most product stewardship schemes.

Key Point: Consultation with the entire supply chain is necessary in the development of Product Stewardship schemes.

PART FIVE: Other design and implementation issues

Ensuring the integrity of product stewardship arrangements

The Association is pleased to see the inclusion of risk identification and management options as part of the expectations of product stewardship schemes in the Consultation Paper. WALGA has previously identified that:

> There are also considerable risks to the success of [a] Scheme if the aim and the responsible parties are not clearly defined, as seen in the case of the Product Stewardship for Used Oil Scheme, where product disposal is left entirely to market forces. The markets for the products collected through the scheme need to be considered. Industry cannot assume that the market for products will be the same nation wide or over time. The recent Global Financial Crisis had a significant impact on the recycling market for many products. Contingency planning and risk management for the end markets for products need to be carefully considered as this presents a sizeable risk to the Scheme.

As this issue speaks to market development, the Association anticipates that there will be opportunities for Product Stewardship schemes to facilitate (including funding) market development and that there will be links with the National Waste Policy Markets and Standards Working Group.

Key point: Market risks need to be clearly identified and managed in any product stewardship scheme.

Key point: Product Stewardship Schemes have a role in market development.

Recommendation: The National Waste Policy Markets and Standards Working Group consider how their work will integrate with future Product Stewardship Schemes.

Review of decisions

Local Government supports the inclusion of both a merit review and judicial review in the legislation as this will provide the opportunity for a rigorous appeals process.

Data collection and reporting arrangements

The Association has developed a Policy Statement on Waste Management Data and Information Management (Data Policy Statement) (Appendix 3). The key points identified in this Policy Statement when starting a new data collection process (relevant to Product Stewardship Legislation) are:

- *What base data is already available?*
- *What is the primary function for the data collected?*
- *Who is the target audience for the data collected?*
- *Will the data become historic (ongoing), or is it a one off collection?*
- *Is the data collected consistent with other jurisdictions and is it transferable between jurisdictions?*
- *Are there any barriers to obtaining consistent data?*

The Consultation Paper identifies the primary function of the data as to assess progress and monitor compliance of schemes and to inform future decisions on the legislation and product

stewardship schemes. These functions also inform who the target audience for the data is – primarily the regulator and Parliament.

Experience with the National Packaging Covenant suggests that there is likely to be a degree of inconsistency and inaccuracy in data at the beginning of any Scheme. The WALGA Policy Statement suggests that a "certain degree of error is permissible in data collection however users of the data need to know that the data is sufficiently accurate for their purposes". Also it is important to acknowledge that accuracy will increase over time if sufficient priority is given to this area of activity.

Key Point: There is likely to be a high degree of variability and possible inaccuracy in data at the commencement of a Product Stewardship Scheme.

The type of data and approach suggested is supported, however previous comments on the contribution of the scheme to greenhouse gas emission reduction, energy use and water consumption should be noted. These particular areas may be difficult to quantify as there will be significant variables which effect the production of the data; such as where the material is manufacturer, recycled or disposed of. There may be other reporting mechanisms in place that measure these reductions, such as a Carbon Trading Scheme, and this would represent a potential double up in reporting.

Key Point: Data on reduction in greenhouse gas emissions, energy use and water consumption may be difficult to quantify.

How will data be reported and when?
For reporting of data it is assumed that the reporting to Parliament will provide sufficient public reporting and the reports provided will be promoted to the general public and interested stakeholders.   The promotion of these reports will provide a mechanism to engage the community and demonstrate the achievements of product stewardship schemes.

Key Point: Clear and well promoted public reporting of Product Stewardship Scheme progress is essential for community and stakeholder engagement.

How much information is needed?
As identified in the WALGA Data Policy Statement, Local Government supports data sharing and has a commitment to publicising findings. However, the protection of an original data source and intellectual property need to be considered prior to the release of any data. Therefore, in terms of data confidentiality, Local Government supports the disclosure of data in an aggregated form as a way to address these concerns while still ensuring there is sufficient information to ensure the product stewardship scheme is achieving its objectives.

Key Point: Local Government supports aggregation of data to avoid commercial in confidence issues with data provision.

Monitoring and responding to non-compliance

Local Government strongly supports the suggested approach of ensuring a compliance and enforcement strategy for the various product stewardship schemes and notes that sufficient resources should be allocated within government for this to occur. If there is not capacity to enforce regulation then it is likely to be largely ineffective.   There is a need to accurately assess the likely cost to government of compliance and enforcement activities prior to

undertaking the scheme. Lessons learned from the National Packaging Covenant should apply – regulating a diverse section is time consuming for government.

Key Point: compliance and enforcement is a potentially expensive activity for government and resource allocation will be essential.

Recommendation: Sufficient resources be allocated within government to ensure that compliance and enforcement activities can occur.

Regarding monitoring another tool is a well publicised complaints mechanism, to reference the Australian Packaging Covenant in which a well publicised complaints process and reporting/response approach has been incorporated.

Recommendation: A well publicised complaints mechanism be included as a method of monitoring compliance.

Appendix 1: WALGA Policy Statement on Extended Producer Responsibility

Appendix 2: WALGA Position Paper on Extended Producer Responsibility Priority Products

Appendix 3: WALGA Policy Statement on Waste Management Data and Information Management

Policy Statement on
EXTENDED PRODUCER RESPONSIBILITY

PREPARED BY THE

MUNICIPAL WASTE ADVISORY COUNCIL
"Getting the Environment Right"

June 2008

Status of this Policy Statement

This Policy Statement has been prepared by the Municipal Waste Advisory Council and adopted by the Western Australian Local Government Association. The Municipal Waste Advisory Council is a standing committee of the WA Local Government Association with delegated authority to represent the Association in all matters relating to solid waste management.

The Municipal Waste Advisory Council has been formed through collaboration with Regional Councils who are not ordinary members of the WA Local Government Association.   The resulting body effectively represents the views of all Local Government bodies responsible for waste management in Western Australia.

Policy Statements adopted by the WA Local Government Association represent a consolidated viewpoint from local government and may differ from the positions adopted by individual member organisations.   The Municipal Waste Advisory Council and the WA Local Government Association will strive to promote this Policy Statement and to act consistently with its contents. Individual Local Governments and Regional Councils are encouraged to support them but are not bound by the document.

Policy Statements adopted by the WA Local Government Association are reviewed and new Policy Statements are developed regularly. The latest WA Local Government Association Policy Statements can be obtained from the website: www.wastenet.net.au

In-line with standard MWAC policy, this policy statement will be reviewed 6-months after its endorsement by the State Council. It will be reviewed again at least every 2-years subsequent to this; with any significant developments acting to instigate an earlier review.

The Municipal Waste Advisory Council's member organisations are:

Policy Statement on
EXTENDED PRODUCER RESPONSIBILITY

Title:	WA Local Government Association Policy Statement on Extended Producer Responsibility June 2008
Background:	**The twin roles of Local Government** Local Government has developed this policy with reference to its twin roles as a representative of the community and as a service provider. Local Government must represent community values since these are the fundamental basis for undertaking new challenges and continuing past work. Local Government must also apply its service provider expertise when considering means by which to achieve community benefits. **Community support for sustainability** Local Government asserts that the community supports the Sustainability Principle which the State Government defines as "meeting the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity". The community expects waste management activities and policies to be pursued in accordance with the Sustainability Principle. **Sustainability Principle** Local Government considers that the Sustainability Principle must be applied to ensure the development far-sighted waste policies. This Principle requires that the materials currently consumed and discarded as waste, will be valued by current and future generations as a resource to be conserved, reused and recycled. Section1.3(3) of the Local Government Act 1995 states "In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity". **Applying the Sustainability Principle** For reasons set out below, Local Government contends that the Extended Producer Responsibility approach can provide effective tools to advance the key outcomes required in applying the Sustainability Principle to waste management policy. *Key outcome 1: Clear, sensible and effective designations of responsibility for the management of lifecycle impacts of products* The development of Extended Producer Responsibility mechanisms requires policy makers and stakeholders to negotiate the assignment of responsibilities. By not simply defaulting to the status quo, the process of negotiation forces a reasoned consideration of the question of where responsibilities should be vested to achieve the maximum public good. Because they require certainty in the assignment of responsibility Extended Producer Responsibility mechanisms have the potential to clarify the responsibilities of key stakeholders. In addition, where a rational assessment process precedes implementation, Extended Producer Responsibility mechanisms can be expected to assign specific responsibilities to those with the best capacity to discharge them.

Key outcome 2: Improved valuation, pricing and incentive mechanisms
Extended Producer Responsibility can link waste generating behaviour to the costs of managing the impacts of waste. This enhances the capacity of markets to transmit information about environmental and social costs and makes waste minimisation more attractive to producers and consumers. Extended Producer Responsibility mechanisms can improve the attractiveness of using recycled materials. Extended Producer Responsibility mechanisms can generate incentives to design products in order to minimise waste and to maximise potential for material or resource recovery.

Key outcome 3: Greater investment in infrastructure and research and development
Extended Producer Responsibility mechanisms can increase the funding available to expand and improve recycling and resource recovery. This can occur through direct subsidies or as a consequence of reducing the costs incurred by waste managers. By providing appropriate financial drivers, Extended Producer Responsibility mechanisms can encourage research and development in recycling and resource recovery technology. Extended Producer Responsibility mechanisms can provide a logical link between expansions in production and expansions in recycling and resource recovery infrastructure. Such a link would safeguard the capacity of waste management services to cope with growth in waste streams.

Key outcome 4: Greater transparency and accountability
Extended Producer Responsibility mechanisms can oblige regulators and producers to pay closer attention to the total impacts of products. Extended Producer Responsibility mechanisms may involve detailed reporting requirements which can move valuable information into the public domain. Extended Producer Responsibility can include measures to make producers physically responsible for the products at the end of life and consequently problematic aspects of their products will become direct liabilities for the producers.

Statement of Policy:

In its role as a representative of community views and values, Local Government will continue to have regard to the wider context in which it operates and will seek to give effect to the views and values of residents.

1. **Sustainability Principle**
   The World Commission on Environment and Development (the Brundtland Commission), 1987 defines sustainability as "*the development that meets the needs of the present without compromising the ability of future generations to meet their own needs*". The development of the Sustainability Principle will endorse the conservation of Bio-diversity and Ecological integrity. Local Government endorses the application of the sustainability principle to the development of its waste policy; recognising that economic, social and environmental principles can guide waste managers by providing a simple expression of the sustainability principle in a waste management context,

2. **Support for Extended Producer Responsibility**
   Local Government endorses the Extended Producer Responsibility approach as an important part of achieving sustainability. Local Government considers that the Extended Producer Responsibility approach can provide effective tools to advance the key outcomes required in achieving sustainable, economic, social and environmental principles. Local Government considers that these key outcomes are:
   - Clear, sensible and effective designations of responsibility for the management of lifecycle impacts of products
   - Improved valuation, pricing and incentive mechanisms

- Greater investment in infrastructure and research and development
- Greater transparency and accountability

In its role as a service provider, Local Government will assess proposed Extended Producer Responsibility schemes with reference to the following criteria (points 3 – 9):

3. **Reflect appropriate priorities**
   Local Government considers that Extended Producer Responsibility schemes should be developed where and when they are most necessary and most practicable.
   Priority waste or product types for Extended Producer Responsibility schemes should be established prior to developing specific schemes. When prioritising waste or product types for Extended Producer Responsibility schemes, proponents should address the following questions:
   a. Does the waste or product cause significant environmental or social impacts?
   b. Does the waste or product cause significant costs for waste processors?
   c. Does the waste or product have unrealised potential for recycling / resource recovery?
   d. Is the waste or product likely to be disposed of illegally?
   e. Does the waste or product cause significant community concern?
   f. Is the producer well placed to reduce the impacts of their products?

4. **Set clear objectives and targets**
   Schemes must be specific and clear about what they seek to achieve and provide means by which to assess whether these objectives have been achieved.
   The achievement of objectives must be assessed with reference to measurable targets and the failure to meet targets must be accompanied by clear and firm consequences.

5. **Establish clear responsibilities**
   Schemes must designate clear roles to each participant in the product chain.
   Local Government favours the assignment of clear responsibilities for specific outcomes to particular participants within the product chain.

6. **Can be implemented in a timely fashion**
   Schemes must be capable of being delivered within a reasonable time.
   Where an unacceptably long delay will be unavoidable when implementing any specific scheme, other options must be vigorously pursued, notwithstanding that these other options might be otherwise less preferred.

7. **Apportion costs appropriately**
   Schemes must aim to achieve an appropriate sharing of costs, between the various tiers of government and industry.
   New schemes must appropriately apportion costs to the various stakeholders, taking into account considerations including:
   a. What allocations will be fair, given the distribution of total costs and benefits?
   b. Which price signals may be desirable?
   c. Who has the capacity to pay?
   d. Will an allocation arrangement be able to be efficiently administered?

8. **Give due consideration to the specific characteristics of the waste or product type**
   Schemes should be designed so as to be appropriate to the product or waste stream in question.
   Local Government will assess any proposed program or measure with reference a range of criteria, which are likely to include criteria a. – f. under point **3.** (as above).

	9. **Support claims with reference to credible evidence** *Schemes should be supported with reliable evidence that demonstrates that the objectives of the scheme are likely to be able to be delivered.* In its twin roles as community representative and waste management service provider, Local Government has an obligation and a right to expect that proponents will demonstrate the merit of proposed Extended Producer Responsibility schemes. This must be done with reference to respectable and verifiable evidence.
Date of Adoption:	June 2004 Amended June 2008
Associated Policies:	Policy Statement on Household Hazardous Waste (December 2003)
Definitions:	*Extended Producer Responsibility*: The financial and/or physical co-responsibility of those involved in making, providing or selling a certain product for the management and disposal of that product at the waste phase. Extended Producer Responsibility schemes generally engage producers in financing or carrying out the collecting, processing, recycling or disposing of post-consumer waste. Extended Producer Responsibility schemes may also be directed at changing manufacturing practices.
End of Policy Statement	

Position Paper
Priority Products for Product Stewardship/
Extended Producer Responsibility (EPR) Schemes

This Position Paper has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). The Municipal Waste Advisory Council is a standing committee of the WA Local Government Association, with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management). The Regional Councils members of MWAC include the Eastern Metropolitan Regional Council, Mindarie Regional Council, Southern Metropolitan Regional Council, Rivers Regional Council, Western Metropolitan Regional Council and the City of Geraldton-Greenough. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate. This Position Paper therefore represents the consolidated view of Western Australia Local Government. However, individual Local Governments and Regional Councils may have views that differ from the positions taken here.

Summary

The WA Local Government Association identified through a survey process a list of priority wastes for Products Stewardship/Extended Producer Responsibility (EPR) Schemes.

The structure of this Position Paper is as follows:
- Background;
- WALGA Policy Statement on Extended Producer Responsibility;
- Problematic Waste Survey;
- Extended Producer Responsibility Schemes;
- Analysis; and
- Recommendations.

Background

With the passing of the *Waste Avoidance and Resource Recovery (WARR) Act* and the *Waste Avoidance Resource and Recovery Levy (WARRL) Act* in December 2007, and the appointment of a new Waste Authority in May 2008, the State gained new powers to put in place Extended Producer Responsibility Schemes.

The *Waste Avoidance and Resource Recovery (WARR) Act* Section 45 Part 5 states that for Product Stewardship Plans:
- A producer or group of producers may submit a product stewardship plan to the CEO.
- A product stewardship plan must specify –
  - The products dealt with under the plan;
  - Targets and timeframes for avoidance, reduction, reuse or recycling of waste;
  - The information that will be collected, assessed and audited to ascertain whether the targets and timeframes have been met;
  - How the information will be made public; and
  - Any other matter the producer or group of producers considers relevant.
- If the CEO is satisfied that the product stewardship plan deals with the matters in an appropriate way, the CEO must register the plan.

The Act further states that for Extended Producer responsibility Schemes:
- Before regulations are made for the purpose of implementing and operating an extended producer responsibility scheme, the Minister must have regard to –
  - The nature of the product proposed to be dealt with under the proposed scheme;
  - Whether there is an effective approved product stewardship plan in place; and
  - Whether there is an Australian national scheme which adequately deals with the product proposed to be dealt with under the proposed scheme.
- Where a regulation made in respect of a matter referred to in Schedule 3 Division 3 specifically provides that this subsection applies in respect of a provision of the regulations, a person who commits an offence under the provisions is liable for a fine of $50 000 and a daily penalty of $5 000.

Given this new context, the WA Local Government Association (WALGA), through the Municipal Waste Advisory Council (MWAC), has conducted an investigation, to identify priority products/materials for Product Stewardship/EPR Schemes.

The following Paper is a summary of results taken from the Local Government problematic waste survey and an overview of the Extended Producer Responsibility Policy Statement. This paper also contains a brief summary of the findings of the Household Hazardous Waste Program and key products from the pilot collection days and permanent storage facilities.

WALGA Policy Statement on Extended Producer Responsibility

Why EPR?

Extended Producer Responsibility and Product Stewardships Schemes require a re-examination of the current situation regarding the management of products/materials throughout their lifecycle. As such, the WALGA EPR Policy Statement indicates that EPR Schemes require policy makers and stakeholders to negotiate the assignment of responsibility; instead of defaulting to the status quo.

EPR is defined as a process that "engages producers in financing or carrying out the collecting, processing, recycling or disposal of post-consumer waste, and may also be directed at changing manufacturing practices" [1].

The Policy Statement identifies that EPR can provide effective tools to advance key outcomes required in achieving sustainable, economic, social and environmental principles. These key outcomes are:

1. *Clear, sensible and effective designations of responsibility for the management of lifecycle impacts of products* - Extended Producer Responsibility mechanisms have the potential to clarify the responsibilities of key stakeholders. In addition, where a rational assessment process precedes implementation, Extended Producer Responsibility mechanisms can be expected to assign specific responsibilities to those with the best capacity to discharge them;
2. *Improved valuation, pricing and incentives mechanisms* – Extended Producer Responsibility mechanisms can improve the attractiveness of using recycled material and can generate incentives to design products in order to minimise waste and maximise potential for material or resource recovery;
3. *Greater investment in infrastructure and research and development* - Extended Producer Responsibility mechanisms can encourage research and development in recycling and resource recovery technology and provide a logical link between expansions in production and expansions in recycling and resource recovery infrastructure; and
4. *Greater transparency and accountability* - Extended Producer Responsibility can include measures to make producers physically responsible for the products at the end of life and consequently problematic aspects of their products will become direct liabilities for the producers.

Local Government considers that Extended Producer Responsibility schemes should be developed where and when they are most necessary and most practicable.

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[1] WALGA Policy Statement on Extended Producer Responsibility 2008

How can we Prioritise Products?

Determining which waste product has a higher priority over another requires a rigorous process. Increasing demand for new products puts extensive strain on raw materials and resources, appropriate product design and recycling can assist to alleviate issue. There is also substantial work involved in developing an EPR Scheme, therefore, prioritising products is necessary.

In order to assist with identifying priority waste or product types for Extended Producer Responsibility Schemes, the WALGA Policy Statement identifies the following questions as tool for this determination:

   a. Does the waste or product cause significant environmental or social impacts?
   b. Does the waste or product cause significant costs for waste processors?
   c. Does the waste or product have unrealised potential for recycling / resource recovery?
   d. Is the waste or product likely to be disposed of illegally?
   e. Does the waste or product cause significant community concern?
   f. Is the producer well placed to reduce the impacts of their products?

Problematic Waste Survey

A Problematic Waste Survey was undertaken in June 2008. All Local Governments were asked to participate in the survey to ascertain what wastes were problematic, why these wastes were of concern and what mechanisms could be identified to address them. Responses were received from 32 metropolitan and 50 non-metropolitan local governments (and Regional Councils); overall that is a 56% response rate (including local governments and Regional Councils).

What wastes are a 'problem'?

The survey asked respondents to identify the most prominent problematic wastes in their local government area. The main responses are shown in Table 1.

Table 1: Materials Identified as Problematic Wastes

Problematic Wastes Identified	
Waste Identified	**Response %**
E-Waste	72%
Household chemicals (paint etc)	72%
Household goods (furniture etc)	65%
Glass containers	64%
Drink containers	63%

Why are these wastes a 'problem'?

The two major reasons local government identified wastes as problematic were because the wastes were littered or illegally dumped. Table 2 indicates the ratings for all materials identified.

Table 2: Problematic Wastes Identified by Local Government

Problematic Waste Identified	Illegal dumping (bulky items)	Littering (smaller items)	Environmental Impact	Costly disposal	No recycling options accessible
White goods (e.g fridges)	58.10%			48.80%	
Household goods (e.g. furniture)	55.10%				44.90%
Household chemicals (e.g paint)			63.00%	55.60%	48.10%
Electronic waste (e.g. computers)			48.10%	44.40%	48.10%
Motor vehicle bodies	79.40%			41.20%	
Batteries (car)	48.50%		60.60%	60.60%	
Tyres	68.40%		52.60%	66.70%	56.10%
Used motor oil			64.40%	73.30%	
Asbestos	70.40%		72.20%	74.10%	
Cans, glass, plastic & drink containers		81.32%	33.30%		27.70%
Paper & Cardboard		75.70%			30.60%

Table 2 shows problematic wastes identified as well as the reasons local governments nominated them as problematic. As shown, survey respondents indicated that small items such as cans, bottles, glass and plastic were the largest source of littering. Other wastes that made significant mention as problem items were asbestos, tyres, used motor oil, commercial plastics, inert rubble and mattresses.

Costly disposal was nominated for most material types as an issue for local government. Many Local Governments, especially those in the rural areas, indicated that they were subsidising freight costs for recycling and this was a substantial issue for them.

What mechanisms were identified to solve the 'problem'?

The survey also asked local government to identify what mechanisms would assist in dealing with the wastes identified. Responses included:
- Funding for waste management infrastructure;
- Strategic planning for infrastructure at State level;
- Funding for transport costs of recycled materials; and
- Need for implementation of EPR Schemes.

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Extended Producer Responsibility Schemes

Survey respondents were asked to indicate the top materials/products that they considered appropriate for an Extended Producer Responsibility Scheme. The most frequently nominated were:

- Tyres;
- Electronic-Waste;
- Used Motor Oil;

Table 3 identifies a list of the material types local governments rated as their top priorities for EPR Schemes.

Table 3: Material types identified for EPR Schemes

Material types	Response %	Rating		Response %
Tyres	**87.9%**	1		
Electronic waste	**74.2%**	2		
Used motor oil	**54.5%**	3		
Glass containers	53.0%	4		
Batteries	50.0%	5		
White goods	36.4%	6		
Cans	33.3%	7		
Plastic containers	33.3%	7		
Household goods	28.8%	8		
Cardboard	21.2%	9	***Other wastes**	
Other wastes***	19.7%	10	Fluorescent lamps	4.5%
Motor vehicle bodies	10.6%	11	Commercial plastics	9.1%
Paper	10.6%	11	All of the above	4.5%
Drink cartons	9.1%	12	Asbestos	1.5%

Two of the top three wastes identified have been explored with relation to some Government action (used oil and tyres) the only one remaining unaddressed at present is e-waste. An analysis of these wastes is below.

Tyres

At the Federal level, used tyres have recently been bought to the fore with the release of a draft Tyre Product Stewardship Scheme. In its draft form, the Scheme could assist in the management and recycling of used tyres. However, the Association provided substantial comment on the draft Scheme expressing concern regarding whether the proposed Scheme will be entirely successful in Western Australia.

Used Motor Oil

The Used Motor Oil Scheme has been running for some time, however, used oil recycling is an ongoing issue. The State Government, through the Waste Authority, has granted funding of $300,000 for the next 2 years, to assist local government to recycled used motor oil. Funding will be provided to Local Governments for up to 50% of the collection costs on a pro rata basis. In the short term, this issue has been

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partially resolved. However long term the used oil recycling issue needs to be addressed further.

Electronic Waste (e-waste)
Of the top three materials identified, e-waste is at present, the only material where no program is available (or proposed) to address this waste at a State or Federal level. The results and comments taken from the survey indicated that this waste was becoming problematic and new ways of handling/recycling this waste were being sought by local government. Other States have some Product Stewardship arrangements in place, for example Byteback operates in Victoria.

Containers
In the top 10 wastes identified, containers were listed three times. Table 3 shows that glass containers rated at 4th position with cans and plastic equal at 7th position. Overall, the majority of local governments indicating that they were in support of a CDS program. Littering of containers were rated highest in the survey, with many local governments indicating that cans, glass and plastic containers were found mostly along verges and roadways especially in rural areas.

Household Hazardous Waste (HHW) Program
The HHW Program has been underway for three months to date there has been two pilot days held. Both days encountered large quantities of old paint and used motor oil. Results of the pilot days are below:

Table 4: HHW Identified

Materials	Pilot day 1	Pilot day 2	Pilot Day 3
Used oil	80L	80L	313L
Gas cylinder	60	43	180
Paint cans	1200L water based 600L oil based	2320L water based 2052L oil based 5L lead based	9243L water based 5148L oil based
Fluro tubes		2kg	5kg

Costs for disposing of these materials are high, for example disposal costs for hazardous materials from Pilot Day 3 held at the SMRC were $133,758.55. Paint was $63,424.00, Gas Cylinders $1,792.50 and Fluro Tubes $24.00. These costs have proven higher than first thought and costs for the Program may outstrip the funding available.

Analysis
To prioritise the products identified as problematic the questions outlined in WALGA EPR Policy Statement have been used. For the various material types, these questions have been answered. A summary is shown in Table 4.
  a. Does the waste or product cause significant environmental or social impacts?
  b. Does the waste or product cause significant costs for waste processors?
  c. Does the waste or product have unrealised potential for recycling / resource recovery?
  d. Is the waste or product likely to be disposed of illegally?
  e. Does the waste or product cause significant community concern?
  f. Is the producer well placed to reduce the impacts of their products?

E-waste
Attributes of product:
  a. Hazardous materials leach when landfilled and manufacturing of one computer consumes the same fossil fuels as the manufacturing of one car[2];
  b. Recycling of e-waste is costly, for example the Henderson Landfill (City of Cockburn) collects approximately 1.4 tonnes of e-waste/week which costs approximately $4,000/month to recycle.[3]
  c. Contains 28 non-renewable products, currently limited recycling of products;
  d. Illegal disposal was identified by 35.2% of local government survey respondents as an issue (although the major concern regarding this product related to overall environmental impact and cost of disposal). Disposal as part of the domestic waste stream (in MGB's has not been assessed);
  e. Community concern around international dumping of e-waste has been significant. Approximately 2,000 metric tons goes to landfill in WA.[4] Potential occupational health and safety issue when left out for verge collection which ultimately ends up in landfill.
  f. Potentially yes, as in Victoria, industry able to run Product Stewardship program.

Tyres
Attributes of product:
  a. Potentially could be hazardous material in landfill (hard to quantify), issues regarding tyre fires and mosquito borne disease (with open storage of tyres);
  b. Costly to process/recycle;
  c. Recycling potential unrealised in WA;
  d. Illegal dumping a concern in Rural and Metro areas (which can lead to tyre fires and associated health risks);
  e. expensive to dispose of by general community; and
  f. alternative recycling exists in other States in Australia + Product Stewardship Scheme proposed by industry group

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[2] Pers. Comm. Geraldine Busby, EMRC
[3] Pers. Comm. Mike Haynes, Landfill Coordinator, Henderson Landfill, City of Cockburn.
[4] Pers. Comm. Geraldine Busby, EMRC

Used Oil
Attributes of product:
   a. Hazardous material in landfill, potential to severely contaminate groundwater;
   b. Costly to process (15c/L);
   c. Some recycling occurring;
   d. Illegal dumping in Rural and Metro areas a substantial concern and potential environmental impact;
   e. Expensive to dispose of by general community was identified by 73.3% of local government survey respondents as an issue ; and
   f. Recycled product frequently shipped overseas (limited WA market for product). *Oil processors feedback stated that there have been enquiries from overseas for burner oil and lube base oil. As lube base oil is not produced in Western Australia this option is currently unviable.*[5]

Containers (cans, glass, plastic)
Attributes of product:
   a. Limited recovery in WA identified in the survey as an environmental impact, as was illegal disposal;
   b. Costly to collect and process;
   c. it is generally acknowledged that not all material is collected and recycled as put into the market, indicating unrealised recycling/recovery potential;
   d. Littering of materials an issue in Rural and Metro areas was identified by 83.4% of local government survey respondents as an issue
   e. these material types are of significant concern to the community, particularly in relation to littering, occupational health and safety issues and increasing recovery;
   f. Producers are well placed to reduce impact, alternative collection methods exist in South Australia and there are many international examples of product stewardship/EPR schemes.

Paint
Attributes of product:
   a. Potentially hazardous material in domestic waste stream, particularly if the material is going to an Alternative Waste Treatment Plant;
   b. To process paint in an appropriate manner is expensive, costs incurred by the HHW Program indicate $63,424.00L for disposal;
   c. there is the potential to recycling paint, either on a large scale or though reuse on a smaller scale;
   d. normal disposal routes for paint uncertain, likely to be stored, disposed of at drop off centres/landfills or through kerbside system;
   e. limited community concern,;
   f. In other states there are product stewardship programs in place..

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[5] Cardno BSD Report *Technology and Market Development for Used oil Products in Western Australia* DEC September 2007.

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Table 4: Selection Criteria for EPR Schemes

Criteria	E-waste	Tyres	Used motor oil	Containers	Paint
Does the waste cause environmental impacts?	Yes	Yes	Yes	Yes	Yes
Does the waste cause significant cost for waste processors?	Yes	Yes	Yes	Yes	Yes
Does the waste have potential for recycling resource recovery?	Yes	Yes	Yes	Yes	Yes
Is the waste likely to be disposed of illegally?	Maybe	Yes	Yes	Yes	Maybe
Does the waste cause significant community concern?	Yes	Yes	Yes	Maybe	No
Is the producer well placed to reduce the impacts of their products?	Yes	Yes	Yes	Maybe	Yes

Recommendations

Recommendation 1: That e-waste is classified as the number one priority EPR / Product Stewardship Scheme.

In the short term, the focus needs to be on establishing an effective e-waste scheme. The survey ranked e-waste at number two, with most Local Governments stating this waste was a costly and hazardous material to store and recycle.   E-waste is rapidly becoming the "Now Generation" waste problem. An example of e-waste recycling can be found in the City of Boroondara Victoria, the City of Boroondara has initiated a 'Byteback'[6] program for e-waste recycling.

Recommendation 2: If Federal action is not forthcoming then Tyres and Used Motor Oil be the next priority for EPR/ Product Stewardship Schemes.

At present the current Federal proposal for tyres is being processed, from this a National Tyre Product Stewardship Scheme should become effective. However, in the long term, if this is not forthcoming this will need to be addressed with a State EPR Scheme.

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[6] Computer Parts Waste – Byteback, www.boroondara.vic.gov.au/environment/collect/byteback

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The Used Oil Scheme is now up for review[7]. WA has secured extra funding for this scheme, supplied by the Waste Authority. This funding will provide up to 50% refund to local governments for used oil collections. WALGA currently has a tender available to encourage more industry into the recycling arena. The need for longer term action will however be needed if the Federal Scheme is not successful.

Recommendation 3: Commencement of a Container Deposit System should become a priority.

Local Government has reiterated many times that it gives full support for the implementation of a CDS Scheme. The survey indicated that glass, cans, plastic and drink containers were a littering issue, with glass rating 4th in the top 10.   Limited recovery of these materials is occurring in WA. However, the potential to increase this recovery is available.

WALGA has developed a Container Deposit Scheme Policy Statement that outlines the benefits of developing such a Scheme, this Policy statement has been forwarded to all local governments.

There are many material types which would benefit from an EPR scheme to govern their effective recycling/reuse. For such schemes to be put in place there needs to be effective political support for them.

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[7] Independent Review of the Product Stewardship (Oil) Act 2000 www.oilrecycling.gov.au/psoexecutive.html

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WASTE MANAGEMENT DATA & INFORMATION MANAGEMENT POLICY STATEMENT

PREPARED BY THE

MUNICIPAL WASTE ADVISORY COUNCIL
"Getting the Environment Right"

April 2010

Status of this Policy Statement

This Policy Statement has been prepared by the Municipal Waste Advisory Council and adopted by the Western Australian Local Government Association. The Municipal Waste Advisory Council is a standing committee of the WA Local Government Association with delegated authority to represent the Association in all matters relating to solid waste management.

The Municipal Waste Advisory Council has been formed through collaboration with Regional Councils who are not ordinary members of the WA Local Government Association. The resulting body effectively represents the views of all Local Government bodies responsible for waste management in Western Australia.

Policy Statements adopted by the WA Local Government Association represent a consolidated viewpoint from local government and may differ from the positions adopted by individual member organisations. The Municipal Waste Advisory Council and the WA Local Government Association will strive to promote this Policy Statement and to act consistently with its contents. Individual Local Governments and Regional Councils are encouraged to support them in this but are not bound by the document.

Policy Statements adopted by the WA Local Government Association are reviewed and new Policy Statements are developed regularly. The latest WA Local Government Association Policy Statements can be obtained from the website: www.wastenet.net.au

In-line with standard MWAC policy, this policy statement will be reviewed 6-months after its endorsement by the State Council. It will be reviewed again at least every 2-years subsequent to this; with any significant developments acting to instigate an earlier review.

The **Municipal Waste Advisory Council**'s member organisations are:

City of Geraldton-Greenough
East Metropolitan Regional Council
Mindarie Regional Council
Rivers Regional Council
Southern Metropolitan Regional Council
Western Australian Local Government Association
Western Metropolitan Regional Council

Policy Statement on
WASTE MANAGEMENT DATA & INFORMATION MANAGEMENT

Title:	WA Local Government Association Draft Policy Statement on Waste Management Data & Information Management – April 2010
Scope of Policy:	This Policy Statement is intended to outline the WA Local Government Association (the Association) position on waste management data & information management. This Policy Statement covers data collection, reporting, review and audit, usage and retention. It is intended that this Policy Statement should identify: ■ The importance of consistent waste management data; ■ The constraints on Local Government in producing data; ■ Sector responsibility in regards to waste management data; and ■ Key issues to be pursued in order to ensure reliable data.
Background of Policy:	A background paper has been developed as a companion document to be read in conjunction with this policy statement. This paper is available online at http://www.wastenet.net.au/.

Statement of Policy:	**Data Collection and Reporting**
	1. Considerations for Data Collection
	   a. **Assessing when new data collection should be considered**
	     The following points should be considered before starting a new data collection process:
	     ■ What base data is already available?
	     ■ What is the primary function for the data collected?
	     ■ Who is the target audience for the data collected?
	     ■ Will the data become historic (ongoing), or is it a one off collection?
	     ■ Is the data collected consistent with other jurisdictions and is it transferable between jurisdictions?
	     ■ Is there funding available from national, state and local levels to assist the collection process?
	     ■ Are there any barriers to obtaining consistent data?
	
	   b. **Support for data provision**
	     Local Government supports the provision of data to aid in effective decision making. Industry looks to State Government as a reliable source of data and information in order to undertake research and feasibility studies into waste management infrastructure investment. Without good data collection decision making is hindered substantially.
	
	     Local Government is generally a good source of waste management data especially in the arenas of recycling, waste management and Alternative Waste Treatment facilities. Consideration needs to be given to who else is collecting the same data and how readily available it is.
	
	   c. **Understanding the metadata**
	     Local Government supports investigation, understanding and use of metadata. Understanding metadata is valuable as it provides insight into the potential limitations and best uses of the data.

    d.   **Support for resourced data collection**
Due to the demand on resources, and the inconsistent collection methods across the sector, Local Government recognises the need for funding to assist in setting up a scheme to aid the collection of reliable data.

Consideration should be given to the following prior to the commencement of a data scheme:
- What funding and resources are available to assist waste management data collection?
- Where should funding for data collection come from national, state and local levels?
- Will the funding be ongoing or one-off?

2. Appropriate data reporting entity

Local Government supports investigation into the identification of the best placed agency to report and collect Local Government waste management data. Local Government is impacted by multiple demands for waste management data, and recognises the need for an investigation into reporting times and whether or not legislative reporting requirements can be coordinated.

Data Review and Audit
Comprehensive data review and auditing to ensure accuracy
3. Data Accuracy

Local Government recognises the importance of having some knowledge of the data collection process and the audit process in order to verify whether the data is acceptable for the intended purpose. A certain degree of error is permissible in data collection however users of the data need to know that the data is sufficiently accurate for their purposes.

Data Usage
4. Support for information sharing

Local Government supports data sharing and has a commitment to publicising findings. However, the protection of an original data source and intellectual property need to be considered prior to the release of any data.

5. Support for evidence-based decision making

Accurate data is essential for monitoring the movements of waste through the many processes it undergoes. Local Government supports the use of waste management data to inform government decisions and policy. The consistency and reliability of this data will influence decisions made.

Data Retention
6. Support for long-term data management

Local Government supports the long-term accessibility of waste management data. The storage and maintenance of data should be able to be available by the public and industry, and maintained by a central agency not affected by funding limits and changes to government.

Once a record has been created the following should be considered:
- Duty of care – requirement of law;
- Evidentiary reason – record reliability;
- Disaster recovery – is there a disaster recovery program in existence;
- Historical value – what is the real or potential historic value of the record; and
- Responsibility – multi layered records retention framework.

Date of Adoption:	April 2010
Associated Policies and Documents:	
Definitions:	**Confidence intervals** – is a particular kind of interval estimate of a population parameter. Instead of estimating the parameter by a single value, an interval likely to include the parameter is given. Thus, confidence intervals are used to indicate the reliability of an estimate.
	Data - A series of observations, measurements, information or facts from which conclusions may be drawn.
	Metadata – Metadata is structured information that describes, explains, locates, or otherwise makes it easier to retrieve, use, or manage an information resource. Metadata is often called data about data or information about information. Metadata is used to facilitate the understanding, characteristics, and management of data (data about other data). A metadata record consists of a number of pre-defined elements representing specific attributes of a resource. Metadata is found in many formats, library cataloguing is possibly the most commonly know example of metadata. [1]
Reference:	National Information Standards Organization 2004 *Understanding Metadata*
	End of Policy Statement

Background Paper:
Policy Statement on
Waste Management Data & Information Management

1. Status of this paper

This paper has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (the Association). The Municipal Waste Advisory Council is a standing committee of the WA Local Government Association with delegated authority to represent the Association in all matters relating to solid waste management.

2. Purpose of this paper

The purpose of this paper is to provide a short background to the issues that have resulted in the development of a Policy Statement on Waste Management Data & Information Management. It is intended as a companion document to be read in conjunction with the WALGA Policy Statement on Waste Management Data & Information Management. This Policy Statement is available online at http://www.wastenet.net.au/.

The Association has developed this Background Paper and the associated Policy Statement with reference to Local Government's twin role as a representative of the community and as a service provider. Local Government must represent community values, since these are the fundamental basis for undertaking new challenges and continuing past work. Local Government must also apply its service provider expertise when considering means by which to achieve community benefits especially when sharing data and information with other agencies.

3. Waste Management Data Collection

3.1 Waste Management in Western Australia

The quantity of total waste generated in WA (waste disposed to landfill and recycled) has risen in recent years, mainly to due a rapid increase in waste from the commercial and industrial sector and from construction and demolition activities. Around 75% (by weight) of total wastes are disposed of as landfill material.[1] Waste from households and Local Government sources represents between 20-25% of the waste going to landfill. The other 75-80% of waste to landfill is material from commercial and industrial sources and construction and demolition activities.

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[1] Waste Authority of WA 2009 *Draft Waste Strategy for Western Australia*, Perth, p. 6

Waste Management is a significant activity for Local Government. The operating cost of Local Government waste management and related activities exceeds $130 million per annum.[2] Additionally, tens of millions of dollars of new capital are invested each year to meet increasing demand and the adoption of new technologies.

In the metropolitan area, a collection service for waste and recycling is provided to the majority of households. In the non-metropolitan area, most regional centres have both kerbside waste and recycling services, although in regional areas waste and recycling services can vary depending on population. Local Government runs landfills, provides waste and recycling kerbside collection and processing services, transfer stations, community education programmes and recycling drop off facilities. Local Government also provides some services to the commercial sector.

3.2 Data Collection and Information Management

The collection, reporting, usage and retention of Local Government waste management data is important, whether that be for government evidence-based decision making, or for reaching internal targets. A comprehensive data collection process can potentially support policy development, investment in the waste industry, educational materials, provide comparative data to inform grant applications and State Government investment, and meet targets set by a State Waste Strategy.

Information collected from Local Governments as a requirement of legislative reporting include quantities of waste collected or recycled/reused, held in stockpiles and disposed to landfill. Local Governments are also required to report on the number of premises serviced, the amount of waste received at landfills and the amount of levy payable in respect of that waste. Local Governments also have their own reporting and data collection obligations which include annual, strategic and monthly reports. Data that should also be collected include tonnes to landfill and tonnes recycled across the State to ensure accuracy.

Local Government supports the provision of data to aid in effective decision making. Industry looks to State Government as a reliable source of data and information in order to undertake research and feasibility studies into waste management infrastructure investment. Without good data collection decision making is hindered substantially. Local Government is generally a good source of waste management data especially in the arenas of recycling, waste management and Alternative Waste Treatment facilities. Consideration needs to be given whether other parties are collecting the same data and how readily available the data is.

3.3 Collection Schemes

Up until 2007, Local Government recycling data has been collected via a number of schemes:

- Resource Recovery Rebate Scheme (RRRS) – provided a rebate to Local Governments based on the tonnes of materials recycled or reused. The RRRS was administered by the Association. In the approximately $2.5 million was distributed to Local Government annually through the RRRS. The end of the RRRS was announced in 2004.

- Auditing Continuity/Data Compilation (AC/DC) Scheme was designed as an interim measure to collect data until a replacement for the RRRS was introduced. The AC/DC

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[2] WA Local Government Grants Commission, personal communication 02/12/2009.

Scheme was based on a payment of $500 per service reported, with Local Governments eligible for up to $1,500. The net payment to Local Governments was substantially lower than under the RRRS. Participation by Local Government in the AC/DC Scheme was lower than for the RRRS. The AC/DC Scheme was administered by the Association.

- Zero Waste Plan Development Scheme included a comprehensive survey of Local Government waste and recycling services, collecting data for the 2006/07 period. This survey collected data on waste tonnages for the first time, allowing estimations of recovery rates for each Local Government to be made. Under this Scheme, each Local Government was paid a flat rate of $5,000 for completing the survey. The response rate was very high, with 91% of Local Government participating in the survey. This Scheme was administered by the Department of Environment and Conservation.

Research has also been conducted into an Australian Waste Database (AWD), with the Waste Management Association of Australia (WMAA) producing a Preliminary Report in 2008 into the feasibility of developing a national database for waste management. Due to high resource intensity, expenses, and unreliable and outdated data, previous attempts have failed (for example the AWD initiated in 1990 by the Cooperative Research Centre in Waste Management and Pollution Control).[3]

National Packaging Covenant Council

The National Packaging Covenant Council (NPCC) is a collaborative agreement between Governments and Industry based on the principles of product stewardship. It is designed to minimise the environmental impacts arising from the disposal of used packaging, conserve resources through better design and production processes and facilitate the re-use and recycling of used packaging materials. The NPCC is required to report annually against progress towards Covenant targets. The overarching target is to recycle 65% of post-consumer packaging materials by 2010.

In 2008, an audit of the reported 2005 financial year recycling figures showed some inaccuracies in NPCC data. The data presented had overestimated the recycling rate, the baseline 2003 recycling rate was originally stated as 48%, the review of the data showed the rate was actually 40% (Channel 10, 08 April 2008).   As a result, the report optimistically stated that the trends in data showed that it was likely that the NPCC target will be met well before 2010 (NPCC 2008).

The NPCC example highlights the importance of reviewing data and being aware of the potential error margin within the data. If the information is collected from a number of sources, consistency in these figures should not be a given. Following the review of the data, new data collection protocols were introduced.

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4. Local Government Waste Management Data Collection

4.1 Local Government and Waste Management

Some sources of waste management related data include:
- Annual survey of Local Governments recycling (requirement under the National Environmental Protection Measure for Used Packaging Material);
- Landfill Levy data (metropolitan area);
- Annual report on recycling activities for Western Australia;

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[3] WMAA 2008, *Australian Waste Database Preliminary Report*, p. 2

- National Litter Index;
- State of the Environment Report;
- National Packaging Covenant Annual Report on national recovery rates;
- National Greenhouse and Energy Reporting Scheme (NGERS);
- Specific data studies commissioned by the Waste Authority on particular material types / waste streams and capacity; and
- Local Government surveys of residents regarding attitudes towards waste management.

**Appendix 1** outlines the legislative requirements for Local Government reporting

4.2. Issues

Generation of consistent and accurate waste management data will benefit Local Government and the waste management industry as a whole. Waste management data has the capacity to influence decisions, indicate patterns and trends, inform strategic planning, and present funding gaps. Issues affecting Local Government that can impact on the accuracy and comparability of collected data include:

- Inconsistent data collecting processes;
- Lack of staff and financial resources;
- Multiple, and often duplicated, demands on Local Government to report to external sources;
- Internal reporting requirements in addition to legislative requirements;
- Access to long-term data; and
- Inconsistent data collected from industry.

4.3 The Local Government Data Management Process

The process of waste management data collection and information management can be illustrated by the following flow chart:
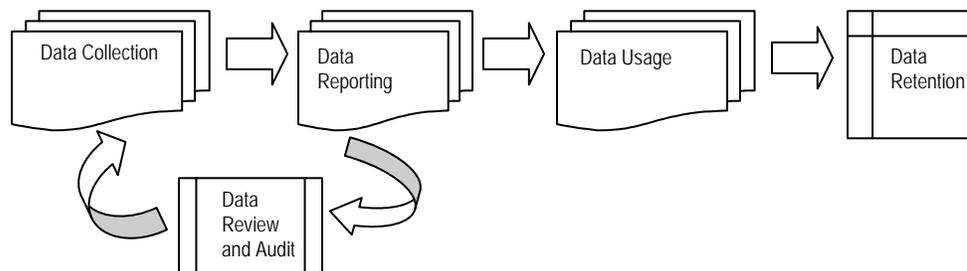
4.3.1 Data Collection

Local Government is required by legislation to collect data and report on certain waste streams. Waste management data collection and information management varies according to the legislation it is covered by and what decision making processes will result from the data collected. Data collection is carried out for a variety of reasons, including legislative requirements to aid decision making and to manage/monitor performance.

In addition to these requirements, Local Government also has a number of other reporting requirements, including annual, strategic and monthly reports. Local Governments often find data collection difficult due to staffing constraints and financial outlays. Identifying what data currently exists and in what format can be problematic: data collection evolves over time and may be for a specific purpose. As a consequence there is limited consistent/comparable data between Local Governments, making data collection at a State level difficult.

4.3.2 Data Reporting

The establishment of standard reporting methodologies is necessary before data is collected. Effective compilation and reporting of data collected is essential to maintaining complete records. Consolidated data reporting allows progress to be tracked and an historic record to be developed. A consistent reporting system across the State will enable greater scope for more efficient future planning with a greater degree of confidence.

4.3.3 Data Review and Audit

Audits are conducted in order to ascertain the validity and reliability of information collected. Audits also provide an assessment of a system's internal control. An audit seeks to provide reasonable assurance that the data or information collected is accurate (statistical sampling is often adopted in audits). Review of data collection systems is also a key part to ensuring data accuracy.

Understanding the metadata is also of value. Metadata is used to facilitate the understanding, characteristics, and management of data (data about other data). The metadata record consists of a number of pre-defined elements representing specific attributes of a resource. Given the various ways of collecting data about waste management activities and varying definitions a clear understanding of the metadata is particularly important.

4.3.4 Data Usage

The demand for knowledge to inform government policy over ideology and personal conviction has grown over the past decade.[4] Knowledge management and evidence-based decision making can lead to improved value for money and avoidance of wastage, transparency in policy making, innovation, reduced risk, and providing a basis for providing objective answers to policy questions. The demand for knowledge to inform policy, however, can be affected by time constraints, public sector requirements (ethical, financial and political dilemmas) and the possible manipulation of data. Differences in research methodologies and scientific interpretation of data can also lead to conflicting information being presented to decision makers.

Some practical steps[5] that can be used in this evidence-based decision making process for waste management include:
- What is it you are deciding?
- Why have you focused on this decision?
- What do you know already about this situation?
- What do you want to achieve from this decision?
- What factors will assist you in achieving this decision?

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[4] Althhaus, Bridgeman & Davis 2007 *The Australian Policy Handbook* (4th ed), Allen & Unwin, Crows Nest NSW, p. 67.
[5] Voice an SRC Tool, Northern Carolina Division of Vocational Rehabilitation Services, Georgia State University, 2005.

- What constraints do you face?
- Do you need additional information and if so where will you find it?
- How will you best implement your findings?
- What performance measures will you use to evaluate the outcomes of your process?
- Are you satisfied with your results or do you need to make changes?

Local Government

Data is collected and used by Local Government for purposes such as education and communication. In addition to reporting for strategic planning and annual reports, the information collected is used to track progress to aid Local Government waste management processes in the future. For Local Government, data collection is important as it can show where investment in waste activities is needed, and which areas are underfunded. Inconsistent data reporting and collecting will only disadvantage Local Government in competitive grant processes and other funding allocations. Data is also used to educate the community and inform residents of the value of waste management activities.

State

Data is used by the Department of Environment and Conservation (DEC), the Environment Minister's Office and the Waste Authority to support policy development and to provide statistics for media statements. Data can also be used to show that targets are met under the State Waste Strategy. The DEC also fields requests for data on waste and recycling in WA from a wide range of external stakeholders. Public access to this information, whether collected and made available by a national or state body, is generally supported by Local Government.

Federal

CSIRO manages the Australian Waste Database project in collaboration with the Australian Government's Department of Environment and Heritage. Information on waste quantities and composition are collected in the database to monitor the achievement of waste reduction targets and objectives in Australia.[6] The Federal Government have recently instigated discussion of a National Waste Policy with the aim of investigating which areas of waste management will benefit from national or coordinated approach. The direction of this policy will be informed by data collected from State and Local governments throughout Australia.

Southern Metropolitan Regional Council

The Southern Metropolitan Regional Council (SMRC) is a statutory local government authority established by Local Governments in the southern part of metropolitan Perth. It is responsible for developing environmentally sustainable waste management solutions and climate change abatement measures for these communities.

The SMRC use data collected from their Regional Resource Recovery Centre (RRC) to educate residents on the benefits of these activities, as well as inform them of the value of this investment. The SMRC use their website to promote their activities through the Climate Wise program which saw the SMRC preventing a total of 148,591 tonnes of carbon dioxide equivalents (TCO$_2$-e) from entering the atmosphere, for the period July 2007 to May 2008.

Public access to waste management data is an invaluable resource to share recycling and waste avoidance activities with the community.

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[6] CSIRO Website 'Waste Management Overview'
http://www.csiro.au/org/WasteManagementOverview.html, accessed 2 February 2010

4.3.5 Data Retention

The retention, protection and disposal of records produced by government bodies are dictated by legislation. In addition to these requirements, data should be made available to ensure the analysis of historical trends to inform future policy decisions. Public access to this data should not be affected by changes in policy or government, ensuring that data is protected and accessible in the future. This is also a valuable tool for any evidence-based decision, as historical data can aid in predictions of policy success or failure.

Advancement in technology, such as wide use of the internet, has dramatically improved public access to data and other information. The storing, maintenance and access to information is also potentially easier for the administrator. Maintenance is particularly important while ensuring public access, maintained by a stable central body not affected by funding or program completion dates, or changes in government.

5. Way Forward

Local Government waste management data is a valuable resource that can inform policy decisions, highlight funding gaps and educate the community about developments in the industry. There are challenges, however, in collecting, reporting and using this data. Local Government often find the internal and external demands for information difficult due to staffing and financial constraints. There is also concern regarding what data is being asked for: whether the information has already been gathered, and whether or not Local Government is the most appropriate industry to be providing these figures. The uses and consistency of this data is also of concern. Local Governments currently collect information for various purposes, using different collection and storage methods potentially having a major impact on the validity of data. Whether or not Local Governments are participating in waste management reporting, for what ever purpose, has not been covered in this paper.

Investment will need to be undertaken to develop consistent and reliable Local Government reporting methods, as well as to understand the accuracy and reliability of waste management data, which includes identifying what data needs to be collected and by whom. Consistent reporting on Local Government practices such as tonnes to landfill and tonnes recycled to inform local and state-wide data collection needs to be supported. The potential of long-term access to and maintenance of waste management data also needs investigation. The sector and industry look to the State Government as a reliable source of data and information in order to undertake research and feasibility studies into waste management infrastructure investment. The maintenance and accessibility of waste management data would, ideally, be suited to being administered by a state body that is not subject to changes in government or policy.

References

Althhaus, Bridgeman & Davis 2007 *The Australian Policy Handbook* (4th ed), Allen & Unwin, Crows Nest NSW

Channel 10 News 2008, 'Spin Cycle', aired 08 April 2008.

CSIRO Website 'Waste Management Overview' http://www.csiro.au/org/WasteManagementOverview.html, accessed 2 February 2010

National Packaging Covenant Council 2008, 'Mid-Term Performance Data Review'.

Voice an SRC Tool, Northern Carolina Division of Vocational Rehabilitation Services, Georgia State University, 2005.

Waste Authority of WA 2009 *Draft Waste Strategy for Western Australia*, Perth

WA Local Government Grants Commission, personal communication 02/12/2009

WMAA 2008, *Australian Waste Database Preliminary Report*

Appendix 1

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007 - SECTION 44 Report on waste plan Local Government may be required to submit a report on the implementation of its waste plan.	**Applies to** All Local Governments if they have been required under the Act to do a waste plan.
	Penalty No Penalty given in Act.
WASTE AVOIDANCE AND RESOURCE RECOVERY REGULATIONS 2008 – REGULATION 19 – Audit Audit to be conducted recording the amount of waste receive at the licensed landfill and the amount of levy payable in respect of that waste.	**Applies to** All Local Governments – Metropolitan and Non-Metropolitan if they operate licensed landfill sites.
	Penalty $2,000
WASTE AVOIDANCE AND RESOURCE RECOVERY LEVY REGULATIONS 2008 – REGULATION 10 **Volume of waste — Category 63 landfills** Only applies to Category 63 licensed landfill for the purpose of establishing a base from which the volume of waste disposed can be measured	**Applies to** All Local Governments – Metropolitan and Non-Metropolitan that operate licensed Category 63 landfill sites.
	Penalty $10,000
ENVIRONMENTAL PROTECTION ACT 1986 - SECTION 40 **Assessment of proposals referred** Any information or report is to be made available for public review. Information relating to a manufacturing process or trade secret used in carrying on an operation which is contained in the report, is to be confidential information.	**Applies to** All Local Governments – Metropolitan and Non-Metropolitan.
	Penalty No Penalty given in Act.
ENVIRONMENTAL PROTECTION (CONTROLLED WASTE) REGULATIONS 2004 – PART 3 – Transportation and disposal of a controlled waste Location of the premises and location on those premises, where the controlled waste is being held.	**Applies to** All Local Governments – Metropolitan and Non-Metropolitan that operate landfill sites licensed to received controlled wastes.
	Penalty $5,000
ENVIRONMENTAL PROTECTION (RURAL LANDFILL) REGULATIONS 2002 – REGULATION 14 – Outbreak of fire A report needs to be completed on the fire containing, details of date, time and location of the fire, time the location was declared safe and the cause, or suspected cause, of the fire.	**Applies to** Non-Metropolitan Local Governments that operate licensed landfill sites.
	Penalty $5,000
ENVIRONMENTAL PROTECTION (RURAL LANDFILL) REGULATIONS 2002 – REGULATION 16 – Disposal of clinical waste and material containing asbestos The occupier of a landfill site to ensure that grid references entered in the register are marked on the plan of the landfill site.	**Applies to** Non-Metropolitan Local Governments that operate licensed landfill sites.
	Penalty $5,000
ENVIRONMENTAL PROTECTION (NEPM -NPI) REGULATIONS 1998 – Application Only applies to large landfills and Material Recycling Facilities (MRF) if the threshold for substances is tripped then this must be reported to the National Pollution Inventory, more information can be obtained from www.npi.gov.au	**Applies to** Metropolitan Local Governments that operate licensed landfill sites and MRF operators.
	Penalty No Penalty given in Regulations.
Collection of data from reporting facilities If a reporting threshold for a substance is exceeded information must be provided to the Department of Environment & Conservation NPI Division.	**Applies to** Metropolitan Local Governments that operate licensed sites.
	Penalty $5,000

Emission estimation techniques In estimating emission data, data may be required to verify the emission for 3 years from the date of a report.	Applies to Metropolitan Local Governments that operate licensed sites.
	Penalty $5,000
National Environmental Protection (Used Packaging Materials) Measure 2005 – Part 4 National environment protection protocols – Collection and participation data Each Local Government in which a kerbside recycling collection service or other municipal materials recovery system is provided must report.	Applies to All Local Governments – Metropolitan and Non-Metropolitan that operate a kerbside collection system.
	Penalty No Penalty given in Act.
CONTAMINATED SITES ACT 2003 – PART 2 – Reporting, classifying and recording sites – Division 1 -- Reporting of sites known, or suspected, contaminated sites An owner/occupier must report a known or suspected contaminated site	Applies to All Local Governments – Metropolitan and Non-Metropolitan.
	Penalty $250,000 and a daily penalty of $50,000
Programme for reporting sites A programme for the identification and reporting of sites must include the sites identified, the methods used, the timetable for identification and reporting and the reasons why it is necessary for the sites to be identified and reported upon.	Applies to All Local Governments – Metropolitan and Non-Metropolitan.
	Penalty $250,000 and a daily penalty of $50,000
CONTAMINATED SITES REGULATIONS 2006 – PART 2 Reporting of known, or suspected, contaminated sites — Form 1 A report of a site that a person knows, or suspects, is contaminated is to be made in the form of Form 1.	Applies to All Local Governments – Metropolitan and Non-Metropolitan.
	Penalty No Penalty given in Regulations.
PART 3 – Public access to information and documents Request for access to a summary of records — Form 2 All sites classified as 'contaminated – remediation required', 'contaminated – restricted use' or 'remediated for restricted use' can be accessed free of charge. Sites classified as 'report not substantiated' 'possibly contaminated investigation required', 'decontaminated' and 'not contaminated' will attract a fee.	Applies to All Local Governments – Metropolitan and Non-Metropolitan.
	Penalty No Penalty given in Regulations.
Basic summary of records A basic summary of records is the category of classification of any site, the nature and extent of the known contamination, and any restrictions on the use, of the site.	Applies to All Local Governments – Metropolitan and Non-Metropolitan.
	Penalty No Penalty given in Regulations.
Detailed summary of records A detailed summary of records is the category classification of a site, the nature and extent of the known contamination, and any restrictions on the use, of the site.	Applies to All Local Governments – Metropolitan and Non-Metropolitan.
	Penalty No Penalty given in Regulations.
Inspection of records referred to in detailed summary of records Inspection records at any time.	Applies to All Local Governments – Metropolitan and Non-Metropolitan.
	Penalty No Penalty given in Regulations.
Land not part of classified site A summary of records must be in writing.	Applies to All Local Governments – Metropolitan and Non-Metropolitan.
	Penalty No Penalty given in Regulations.