

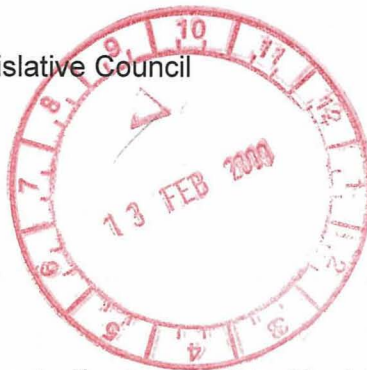


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Department of
Environment and Conservation

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Chair, Environment and Public Affairs Committee - Legislative Council
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Dear Ms Mills

Thank you for the opportunity to provide a submission to the Inquiry into Municipal Waste Management in Western Australia.

Please find attached DEC's written submission to the Inquiry. I and senior DEC staff would be pleased to provide clarification and to participate in a hearing conducted by the Committee at any suitable time.

Yours sincerely

 Keiran McNamara
DIRECTOR GENERAL

13 February 2009

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Department of Environment and Conservation
Submission to
The Inquiry into Municipal Waste Management in Western Australia
by the Environment and Public Affairs Committee of the
Legislative Council

13 February 2009

1. Background

The Department of Environment and Conservation (DEC) wishes to make a brief submission to the Inquiry and is able to provide a more detailed submission on any matters requested by the Committee and is available to attend an oral hearing if invited to do so.

The Department of Environment and Conservation was formed in 2006 when the former Department of Environment (DoE) was merged with Conservation and Land Management (CALM). This merger combined the environment protection functions of the DoE with the parks and conservation functions of CALM into the one agency.

DEC employs approximately 2000 staff, based at locations throughout Western Australia. DEC provides the Minister with policy, service and program delivery support across a broad range of environmental themes, including fire management, climate change, biodiversity, environmental impact assessment, pollution prevention, industry environmental regulation, community education on environmental issues and management of national parks. DEC also provides support to a number of statutory authorities; Environment Protection Authority, Conservation Commission of WA, Keep Australia Beautiful Council, Marine Parks and Reserves Authority, Swan River Trust, Waste Authority and Contaminated Sites Committee.

2. DEC response to terms of reference of the Inquiry

1. *Current municipal waste management practice and methods in Western Australia, and in particular:*
 - (a) *The function, effectiveness and efficiency of rural and Metropolitan Regional Councils with respect to the management of waste; and*

Regional local governments have been active in municipal waste management in the Perth metropolitan area for the past 25 years. DEC believes that the formation of regional local governments has had many benefits primarily in waste management and recycling as well as a range of broader environmental, economic and social services to their communities.

As environmental protection requirements have become more stringent, and broader environmental issues have gained momentum, waste management has become

increasingly sophisticated and expensive. By working together under the lead of a regional local government, individual local governments have been able to achieve economies of scale that have allowed large projects to proceed. Even the City of Stirling, WA's largest local government, which for many years operated its waste management services on its own, is now making use of waste facilities built and managed by regional local governments.

It is noted that there are some differences between the regional local governments in how they are constituted, operate and the range of services they provide. It is the view of DEC that this has encouraged innovation in the evolution of waste management practices. The formation of regional local governments has facilitated the development of effective and efficient waste management practices that achieve a high level of environmental protection and overall environmental benefits through increased recycling and resource recovery in the areas they serve.

To date, regional local governments in non-metropolitan areas are both less prevalent and less advanced than metropolitan regional local governments. Lower rate bases and a consequential lower desire to access landfill levy funds has meant that non-metropolitan local governments have not had the means to pursue large-scale waste management projects. This may also have inhibited many local governments from forming regional councils. Even replacing small rural tips with a network of transfer stations and larger, engineered landfills has proven difficult for most to progress.

However, provision of funding from the Waste Avoidance and Resource Recovery Account through the Waste Authority's Zero Waste Plan Development Scheme and Regional Funding Program has provided an impetus to work cooperatively to undertake waste management initiatives. It is anticipated that if more funding were available, non-metropolitan local governments would be more able and willing to continually improve their waste management practices. This may also provide the incentive to form more rural regional councils to manage waste services for groupings of local governments.

With respect to the Southern Metropolitan Regional Council (SMRC), DEC has a dual role. The SMRC Regional Resource Recovery Centre facility is fulfilling a State government policy to divert waste from landfill, and is supported by DEC in this objective. It is also a licensed industrial facility, and as such must comply with relevant WA Government legislation and regulations, including the *Environmental Protection Act 1986* (EP Act). It must comply with the conditions of its environmental licence and Ministerial Approval. DEC is responsible for regulating the SMRC to ensure that it meets its legal obligations under the EP Act.

(b) The role of the Waste Authority under the Waste Avoidance and Resource Recovery Act 2007 in municipal waste management.

The *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) sets out many of the respective roles of the Waste Authority and DEC with regards to waste management.

The primary role of the Waste Authority is to advise and make recommendations to the Minister or the CEO on matters relating to the Act, in particular on policy and strategic matters. This is reflected through the emphasis on the Waste Authority's requirement to develop a Waste Strategy for Western Australia and an aligned Business Plan. The

administration of the Waste Management and Resource Recovery Account, which contains funds collected through the landfill levy, allows the Waste Authority to fund programs that implement its policy. Schedule 2 of the WARR Act lists functions of the Waste Authority.

DEC has two clearly defined roles under the WARR Act; provision of services to the Waste Authority and regulation of waste management in WA. In addition, DEC as a department of State, has a role providing policy advice to the Minister on a broad range of environmental issues, including waste management.

While the Waste Authority was established to advise the Minister on waste policy, the Minister on occasion seeks additional advice from DEC and other sources. Neither the Waste Authority nor DEC are the sole source of waste policy advice to the Minister.

In providing services to the Waste Authority (section 16 WARR Act), DEC employs staff that then act on instruction from and on behalf of the Waste Authority. This arrangement, which is similar to other statutory bodies, allows the Waste Authority to benefit from the central services that already exist in DEC. These mainly relate to corporate and financial services, and are necessary for ensuring that the Public Sector Management Act, Financial Management Act and State government policies and protocols are adhered to.

The regulatory functions, mainly relating to directing how waste will be managed if there is a failure in service delivery, are clearly assigned to the DEC CEO. DEC also has a role in registering Product Stewardship Plans and administering any Extended Producer Responsibility schemes that might be regulated in WA. The Waste Authority can, and should, provide advice on these matters. However, regulation is primarily the responsibility of DEC.

The fact that the WARR Act specifically states that the CEO, or the CEO's delegate, can attend Waste Authority meetings and take part in considerations of matters before the Waste Authority indicates that there was an intention that DEC and the Waste Authority would have a close and co-operative working relationship.

2. Resource recovery technologies

DEC is supportive of the move towards "Resource Recovery technologies". However, DEC believes that proper consideration of the full cost – financial, environmental and social - of these technologies should be given prior to local governments committing to them. Many of these technologies are not proven, and may not meet the expectations of the proponent and the community.

Resource recovery technologies are generally larger industrial facilities. Under the EP Act, DEC has a responsibility to ensure industrial processes employed in WA do not cause environmental harm. Therefore larger landfills and a range of waste treatment activities are prescribed under the *Environment Protection Regulations 1987* and require either registration or licencing. Enterprises that are considered to have the potential for significant environmental impact can also be assessed by the Environmental Protection Authority. Such premises are required to comply with conditions that form part of any of the aforesaid regulating processes independently of their relevance to waste policy or strategies codified under the WARR Act.