



Minister for Environment; Disability Services
Deputy Leader of the Legislative Council

Our Ref: 62-10160

Hon Dr Steve Thomas
Shadow Minister for Environment
Member for South West

Dear Dr *Thomas Steve*

Thank you for your attendance at a meeting of stakeholders with representatives of the Department of Water and Environmental Regulation to discuss the Environmental Protection Amendment Regulations 2018 and supporting Landfill Waste Classification and Waste Definitions (Waste Definitions). These discussions were very helpful in clarifying views and opportunities for improvements, including to explanatory materials and Table 6 of the Waste Definitions.

I have appreciated your investment in addressing the resolution of the unintended consequences of the Supreme Court decision known as the Eclipse case. As you are aware, the amendment regulations were made in April to support recycling and minimise unnecessary regulation of fill, including application of the waste levy.

Of course these amendment regulations only apply where material is defined as 'waste'. The fact sheets developed by the Department have assisted stakeholders to gain clarity about this distinction and to ensure that stakeholders are aware of the limited circumstances in which these changes will apply.

The regulations ensure sites that accept waste classed as clean fill, or uncontaminated fill that meets environmental and health thresholds after testing, do not require licensing as a landfill premises or become liable for the waste levy.

These amendments to support the use of recycled fill materials will increase diversion of waste from landfill, provide certainty for development and reduce costs. It will ensure that developers can again maximise the use of recycled materials in their developments.

I acknowledge that the amendments are only a first step.

The discussions with industry have also highlighted the value of a risk-based case-by-case approval system to promote the reuse of waste that is fit-for-purpose, based on a risk-based assessment of the origin of the material, the receiving site, and the proposed use.

I support these changes, which require Act amendments, and the McGowan Government is working to deliver these.

Consultation has also reinforced the need for improved guidance on these changes. The most frequent questions asked are about when material is waste for the purposes of these amendments. The Department met with stakeholders on Monday and is seeking feedback on draft fact sheets with final versions to be published shortly.

I commit to a review of Table 6, and have requested the Department to work closely with industry to review the maximum concentrations in Table 6 of the 2018 Waste Definitions, and take into consideration additional data provided by industry on ambient background concentrations.

To ensure transparency and accountability of this review, all information relating to the review will be provided to the stakeholder group and regular stakeholder meetings on the progress of the review will be held. In addition, I have requested that there be independent technical oversight of the review by national experts who will report directly to me. This review is to be completed by April 2019.

I again thank you for your role in improving the effectiveness of the amendment regulations.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Dawson', with a large circular flourish at the beginning.

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT