



## **Waste Management and Resource Recovery Bill 2015 – Consultation Draft**

December 2015

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The Conservation Council ACT region is the peak non-government environment organisation for the Canberra Region, and has been the community's voice for the environment in the Canberra region since 1979.

We represent the interests of community conservation organisations in the region as well as the broader environmental interests of all the citizens of the ACT.

Our mission is to achieve an ecologically sustainable and zero net carbon society through advocacy, education, research and engagement with community, the private sector and government.

The Conservation Council is active in a number of campaign areas. Our current focus includes:

- **Biodiversity Conservation** – protecting our unique ecological communities and the Bush Capital
- **Climate Change** – a regional, national and global challenge
- **Planning** – the right things in the right places
- **Transport** – connecting people and places
- **Waste** – being efficient through closed-loop systems
- **Water** – smart use of a scarce resource
- **Governance** – for a Smarter, Sustainable Canberra

### **1. Overview**

The Conservation Council ACT Region appreciates the opportunity to make comment on the *Waste Management and Resource Recovery Bill 2015*<sup>i</sup> (the Bill). We note the Bill is intended to replace the existing *Waste Minimisation Act 2001*<sup>ii</sup>.

Our key concern is the Bill is essentially about waste management at the end of waste system – waste collection, recovery, recycling and reuse in the ACT – rather than on waste reduction in the first instance i.e. avoiding waste generation. In this and some other regards it might be inferior to the existing Waste Minimisation Act.

The focus of the Bill is on the waste management industry and while we generally welcome and support these measures it would be a great failure if this new legislation does not also include an appropriate focus on waste reduction.

**Recommendation 1.**  
***The Bill should include waste minimisation or waste reduction in the title and include appropriate measures to deliver waste reduction outcomes***

The Conservation Council remains concerned with the inadequate process that went into the 2015-16 ACT Budget announcement of funding for development of a full business case for a waste to energy facility. The Conservation Council notes that initial poor consultation has been somewhat overcome through the process established through the ACT Waste Feasibility Study however the Bill should set out some processes to be followed in consideration of new technologies.

A key principle informing the back end of waste infrastructure is the need to ensure we have adequate data on both waste generation and resource recovery and we have put in place the appropriate strategies to reduce our waste stream – before we invest in infrastructure.

**Recommendation 2.**  
***The Bill should include mechanisms to ensure there is adequate data collection on waste recovery and waste generation and that this data is transparent, useable and publicly available.***

We have separately annotated comments and suggestions on some parts of the Consultation Draft of the Bill. Although we regard the whole legislation as important we have focussed on representation of policy rather than technical detail on financial arrangements and authorised officers which was out of scope for us in the time available.

## **2. Waste reduction**

The *Waste Minimisation Act 2001* was set out as:

An Act relating to the management, regulation and reduction of waste, and for other purposes

Whereas the Bill is described as:

An Act to provide for the minimisation of waste, the recovery, recycling and re-use of resources, and for other purposes

However, while the *Waste Minimisation Act 2001* immediately addressed Industry waste reduction at Part 2, the Bill pays very little attention to waste minimisation or waste reduction.

It should be noted that the waste reduction provisions – industry waste reduction plans – of the *Waste Minimisation Act 2001* have only been used once in 2013 to implement the *National Environment Protection (Used Packaging Materials) Measure 2011* (NEPM). However, this lack of use is probably due to under-resourcing the policy capacity of operational areas to develop plans rather than a legislative weakness. Effective implementation of the legislation was also negatively impacted by government arrangements that meant one Directorate had responsibility for waste policy (DECCEW then ESDD) and a separate Directorate (TAMS) had responsibility for waste operations.

Given that the Bill does not adequately address waste minimisation, and the current mechanism remains in use for the NEPM, Part 2 of the *Waste Minimisation Act 2001* should be incorporated into the Bill. This should not exclude other additional waste reduction measures and mechanisms.

***Recommendation 3.***  
***The Bill should, as a minimum, include the industry waste reduction measures contained in Part 2 of the Waste Minimisation Act 2001***

In order that there are resources to implement waste reduction measures the proposed Waste Manager should have the additional function of preparing advice on industry waste reduction plans and this function should be among performance measures for the role.

***Recommendation 4.***  
***The Waste Manager should have the additional function of preparing advice on industry waste reduction plans and this function should be among performance measures for the role.***

The ACT needs an overall waste reduction strategy developed through community consultation and this is discussed further below as a possible function of the Waste Manager.

### **3. Waste to energy**

The Conservation Council notes that the 2015-16 ACT Budget provided funding of \$2.8million over two years for a full business case to be prepared on alternative waste management strategies:

The Government will undertake a feasibility study to investigate long-term options for the management and treatment of waste in the ACT, including the development of a full business case for a waste to energy facility.<sup>iii</sup>

The Conservation Council is participating in several parts of the ACT Waste Feasibility Study that has emerged from the Budget allocation and believes that the Bill should reflect the Feasibility Study. In particular, there are some fundamental assumptions that should be incorporated into the Bill. These are:

1. We are managing a reusable resource and our role is to ensure all waste collected enters a recycling stream and is turned into base products that can be used to supplement economic and commercial success.
2. Waste has value and it is our job to reuse resources and divert waste from landfill rather than consuming landfill space.
3. All resources possible will be extracted from the waste streams before any thought is given to 'Energy from Waste Solutions' and there will be safeguards to ensure unprocessed waste does not go to such solutions unless it is proven to be the most environmentally sound and carbon neutral solution.
4. The required investments must be qualified in such a way that any such investment will be supported and funded by the private sector rather than by the community.
5. The ACT Government will move to a procurement of services rather than own any required infrastructure unless owning such infrastructure creates a revenue stream, with minimal risk, for Government.
6. Where this is the case we will assume this type of infrastructure will still be operated by the private sector and such revenue streams will be shared so that any investment still comes from the private sector.
7. All solutions will create the minimal possible environmental impact and the overall waste streams will be as close to carbon neutral as possible.
8. All solutions will be easy for our community to utilise and the solutions will encourage community participation at all levels.
9. We are addressing the need for solutions for our community and our surrounding regional communities who may wish to use our services.
10. Any existing waste infrastructure will require replacing or re-location unless proved otherwise.
11. Through consultation we aim to minimise impact on existing businesses and maximise their involvement in the future solutions.

In particular there should be a proper process for consideration of possible future technologies and the Bill provides an opportunity to set out good policy pathways. This should be done by legislating that all resources possible be extracted from the waste stream before consideration of 'Energy from Waste Solutions' or even before material is sent to landfill.

***Recommendation 5.***

***The Bill should require all possible resources are extracted from the waste stream through other options before adoption of 'Energy from Waste Solutions'.***

**Recommendation 6.**

***The Bill should require that no material be accepted to landfill unless it is has first been processed to extract all resources possible.***

There should continue to be a detailed public consultation process to address questions on the proposal to burn waste for energy. Otherwise preparation of a “full business case” in the context of the waste to energy facility over two years is effectively laying the groundwork for a post-2016 Government to make a decision to establish a waste to energy facility.

The Conservation Council notes the ACT does not have a legislative or regulatory standard to address wastes that may be generated from such technologies – e.g. dioxins and fly ash – and such regulations would need to be developed given that emissions of potentially toxic chemicals are never eliminated from these processes.

#### **4. Consultation process**

We note the extremely short and awkward public consultation process. The consultation draft was released 25 November with input required by 23 December. The Conservation Council starts its Christmas close down Friday 18 December – a decision made some months previously. We did not receive advance notice of the legislation or have any input. Effectively therefore we had three weeks and two days to coordinate our input at a busy time of the year. We were offered an extension until 4 January however given we do not re-open till 11 January this was not an option for us. The timeframe did not allow time for us to effectively consult with our member groups or gain other input to inform our views.

This short timeframe is unacceptable for consultation on a major piece of environment legislation.

**Recommendation 7.**

***Major legislation undergoing community consultation should allow for eight weeks for community comment and should avoid the Christmas-New Year period.***

Additionally the publicly available consultation material through the Time to Talk website<sup>iv</sup> had ‘Password Security’ which did not allow for comments to be included. Application of this level of security is not helpful when the Government is presumably seeking comments.

**Recommendation 8.**

***ACT Government community consultation documents should be made available in a format where comments can be marked.***

Given its long-term impacts presentation of legislation should be deferred pending consultation on legislating for waste reduction as well as industry management of waste. This could be done through reference to the Legislative Assembly Standing Committee on Planning, Environment and Territory and Municipal Services.

**Recommendation 9.**  
**Presentation of the Bill should be deferred to allow for further consultation and input from community and industry on waste reduction including through reference to the Legislative Assembly Standing Committee.**

## 5. Waste data and targets in the ACT

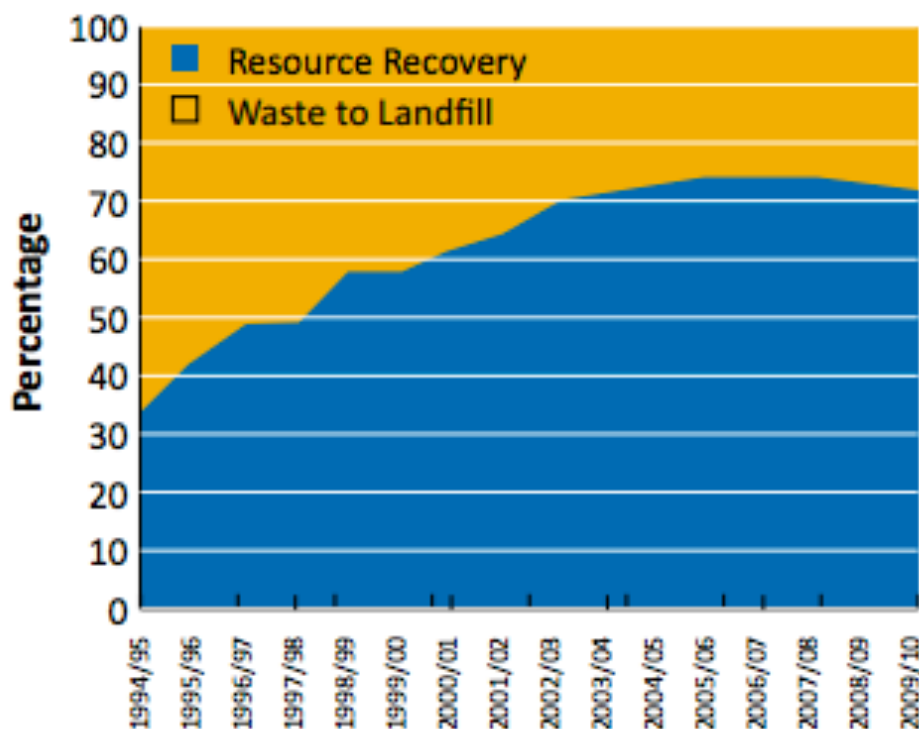
### Resource recovery data, targets and trends

The ACT's resource recovery targets outlined in [ACT Waste Strategy 2011-2015](#) are:

- over 80% by 2015
- over 85% by 2020
- over 90% by 2025

The *NoWaste to Landfill by 2010 Strategy*<sup>v</sup> was successful in increasing resource recovery from 22% in the early 1990s to above 70% since 2003-04. The highest rate being 75% first achieved ten years ago in 2005-06 and again in 2015. However we have plateaued at this level with some significant dips. We have not met the 80% resource recovery by 2015 target.

Figure 1 RATE OF RESOURCE RECOVERY IN THE ACT 1994-2010<sup>vi</sup>



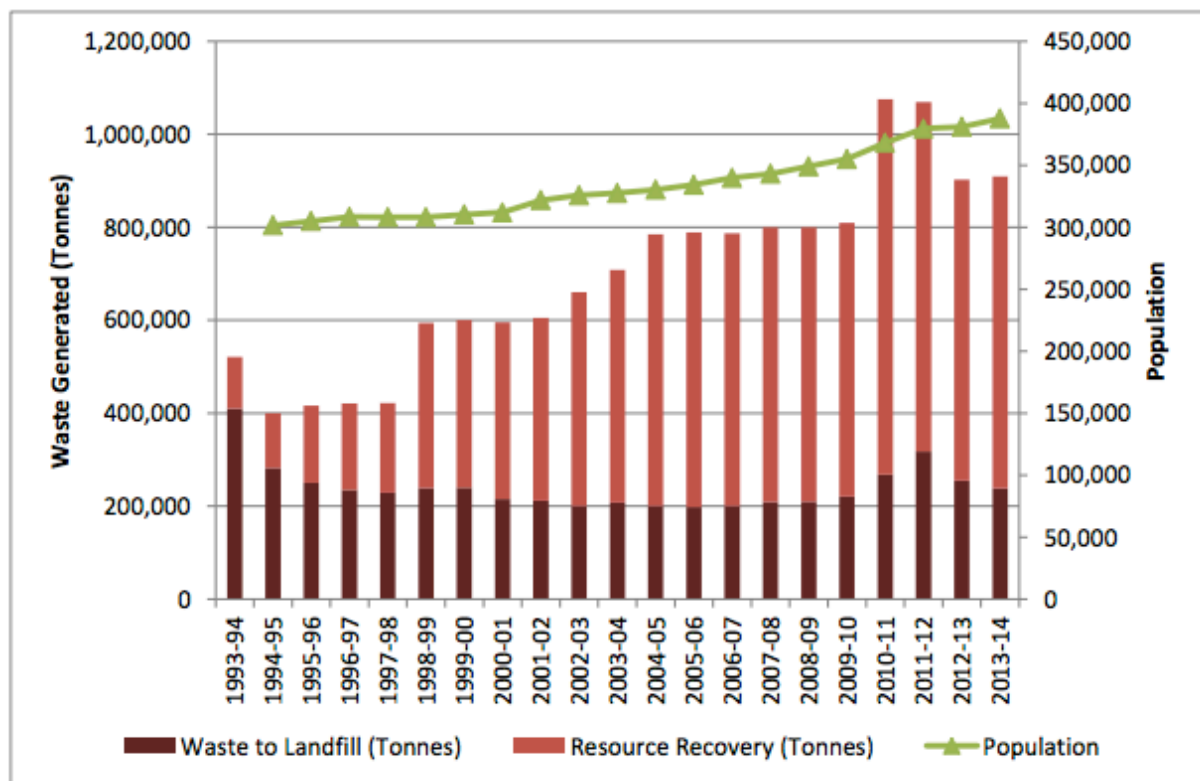
### Waste generation data, targets and trends

The ACT's current waste generation target in the [ACT Waste Strategy 2011-2015](#) is:

to ensure the growth in ACT waste generation is less than the rate of population growth.<sup>vii</sup>

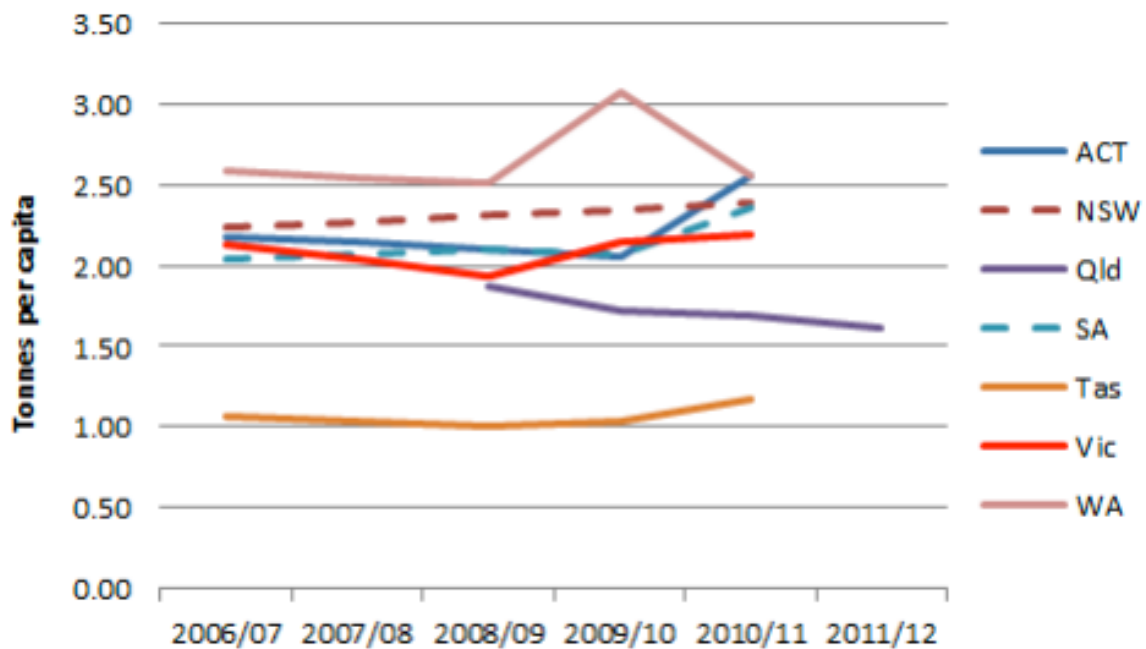
A key focus of waste management in the ACT has to be reducing our per capita waste generation. However it has been increasing steadily over many years – for example between 2007-08 and 2010-11 overall waste generation increased from 2.06 tonnes per person to 2.64 tonnes per person. It was 1.65 tonnes per person in 2001-02. It was still at 2.6 tonnes in 2013.<sup>viii</sup>

**Figure 2 total waste generation and population in the ACT (adapted from OCSE, to reflect current figures)<sup>ix</sup>**



Waste generation growth in the ACT is greater than the rate of population increase. The ACT's waste generation per capita was the highest in Australia in figure collected by the ABS in 2007.<sup>x</sup> The Federal Department for the Environment commissioned a report on waste generation and resource recovery in Australia<sup>xi</sup> that showed that the ACT's rate of per capita waste generation was increasing at a faster rate than any other state or territory.

Figure 3 Trends in per capita waste generation by jurisdiction over the reporting period<sup>xii</sup>



Over the period examined the ACT's rate of per capita waste generation had increased by 18%. Per capita waste generation needs to be targeted and reduced.

**Recommendation 10.**

***The Bill should set a reducing target for per capita waste generation and measures for achieving it including through industry waste reduction plans.***

## 6. Context / background – waste policy in the ACT

The existing policy and legislative framework for waste in the ACT has been the:

- ACT NoWaste by 2010 Strategy adopted by the ACT Government in 1996<sup>xiii</sup>
- Waste Minimisation Act 2001<sup>xiv</sup>
- ACT Sustainable Waste Strategy 2010-2025

A clear focus of the initial No Waste Strategy [to landfill] by 2010 was the need to establish recycling and resource recovery infrastructure in order to reduce waste to landfill. This was extremely successful.

The NoWaste Strategy by 2010 had two key features. Firstly, it was a strategy of several parts that relied on long-term government commitment in order to achieve the goal of no waste to landfill by 2010. The establishment of facilities that went with the first part of the strategy was successful in helping to reach the stage where nearly 75% of the ACT's waste was to be recycled.



However, adequate resources did not back the next stages, the hard stages of public and business education, and dealing with commercial waste and putrescible waste, and the recycling level has plateaued. Any long-term waste strategy, no matter how good, needs to be able to cope with changes of government.

The second key feature of the ACT's NoWaste strategy has been the effective engagement of the private sector to deliver against the government's policy objectives.

An example of the use of contracts to deliver against policy is that any material transferred from the recycling facility – the Material Recovery Facility or MRF – to landfill is charged at full rates and the funds are used to pay an education program to improve recycling rates. The better the contractor recycles, the less money they have to pay out (and the better the recycling the less public education is needed, or funded). The ACT's waste policy has worked because it has integrated policy and operational implementation.

The current 2011-25 Strategy is very weak on its Monitoring and Review provisions. It states:

The ACT Government will ensure timely production each year of waste generation, resource recovery and landfill data.<sup>xv</sup>

However this data is not available and apart from a resource recovery Strategic Indicator in the Budget papers there is no publically accessible information. There is no annual report on waste and this should be a requirement of the Bill. This could be a role for the Waste Manager.

***Recommendation 11.***

***The Bill should require an annual report to the Legislative Assembly on waste in the ACT including on key data and progress against short and long-term targets.***

## **7. Waste hierarchy / Waste reduction**

While the ACT Waste Strategy 2011-2025 acknowledges waste reduction as its number one priority – Outcome One "less waste generated"<sup>xvi</sup> – it proposes very little by way of action to address this, with the substantial focus remaining on resource recovery.

The *Waste Minimisation Act* states the objects of the Act [s.5] are:

- (a) to establish a waste management hierarchy of the following order:
  - (i) avoidance;
  - (ii) reuse;
  - (iii) recycling and reprocessing;
  - (iv) disposal;

- (b) to ensure that government, industry and community representatives are involved in the development of ACT-wide waste policy;
- (c) to minimise the consumption of natural resources and the final disposal of waste by encouraging the avoidance of waste and the reuse and recycling of waste;
- (d) to ensure that industry shares with the community the responsibility for minimising and managing waste;
- (e) to promote and ensure the efficient resourcing of waste service planning and delivery;
- (f) to achieve integrated waste planning and services;
- (g) to promote and ensure environmentally responsible transporting, reprocessing and handling of waste.

The proposed Bill has different objects and less reference to the community:

The objects of this Act are to—

- (a) manage waste in the ACT according to the following hierarchy:
  - (i) minimise the generation of waste;
  - (ii) maximise resource recovery and re-use;
  - (iii) minimise the amount of waste that goes to landfill; and
- (b) support innovation and investment in the waste management sector; and
- (c) promote industry responsibility for waste reduction in the ACT; and
- (d) promote best-practice waste management in the ACT.

The slimmed down Objects of the Bill have less mention of the environment and the community and these Objects could recover and reuse the Objects from the 2001 Act. This would also allow for the “establishment” of the waste hierarchy rather than managing according to a legislated list.

The ACT Sustainable Waste Strategy 2011–2025 indicated its aim “is to ensure that the ACT leads innovation to achieve full resource recovery and a carbon neutral waste sector”.<sup>xvii</sup>

Similarly it states its “primary goal of the Government in waste management is achieving full resource recovery so that the need for disposal to landfill becomes largely limited to hazardous materials. The strategy maintains the established goal of no recoverable waste to landfill as a central indicator of success”.<sup>xviii</sup>

In short – despite legislative and policy recognition of the waste Minimisation / avoidance as a priority the waste strategy with a 15 year time frame effectively only pays lip service to waste minimisation and sets a rather unambitious target of ensuring “the growth in ACT waste generation is less than the rate of population growth”.<sup>xix</sup>

The strategy effectively washed its hands of responsibility for waste generation stating, “it is difficult for Governments to directly influence waste generation as this is the cumulative result of many individual decisions made within and outside of the ACT”.<sup>xx</sup>

The Conservation Council believes any legislation and waste strategy for the ACT should reflect and give due accord to the well accepted waste management hierarchy.

## **8. Statutory requirement for a waste strategy**

The Conservation Council notes that the *ad hoc* development and review of the ACT NoWaste Strategy 2010 was unsatisfactory. Probably most telling was that at the beginning of 2010 there was no new strategy. It was not until February 2011 that a draft Waste Strategy 2011-2025 was released. This was finalised and released in December 2011.

Therefore the Bill should be amended to require it to be a statutory requirement that the Waste Manager be required to:

- prepare a long term waste strategy (i.e. -15-20 year) which will include:
  - targets for waste reduction, resource recovery
  - targets for specific waste streams – i.e. e-waste, organic waste
- report every one or two years on progress on meeting the strategy, with the report being required to be tabled in the Assembly
- reviewed every five years with Statutory provisions for public consultation

In NSW under the *Waste Avoidance Act*, the Director-General of DECCW (Director-General) must develop a waste strategy which includes targets for waste reduction, resource recovery and the diversion of waste from landfill disposal. The Director-General must report to the Environment Minister every two years on the volumes of waste avoided, produced, recycled or re-used, and how those volumes compare with the targets in the current waste strategy. The Director-General must develop a new waste strategy at least every 5 years.

Similar provisions should apply in the ACT and the Conservation Council calls for a more rigorous ACT waste reduction strategy including measures to reduce per capita waste generation that has been increasing steadily over many years.

The ACT has a good existing model for legislation for an environmental strategy in the Nature Conservation Strategy as set out in the Nature Conservation Act 2014<sup>xxi</sup>. This model could also apply for the proposed Bill.

**Recommendation 12.**

***The Bill should require development and implementation of an ACT waste reduction strategy in similar terms to the Nature Conservation Strategy under the Nature Conservation Act 2014.***

**Recommendation 13.**

***The Waste Manager must develop a waste strategy which includes short and long-term targets for waste reduction, resource recovery and the diversion of waste from landfill disposal. The Waste Manager must develop a new waste strategy at least every 5 years.***

**Recommendation 14.**

***The Strategy should be provided to the Legislative Assembly and be published.***

**Recommendation 15.**

***The Waste Manager must report to the Minister every two years on volumes of waste avoided, produced, recycled or re-used, and how those volumes compare with the targets in the current waste strategy.***

**Recommendation 16.**

***The report should be provided to the Legislative Assembly and be published.***

## **9. Definition of Waste**

The Bill proposes that the definition of waste includes the following:

- (a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment;
- (b) any discarded, rejected, unwanted, surplus or abandoned substance, whether or not intended for sale, recycling, reprocessing, recovery or purification by a separate operation from that which produced it;
- (c) any other substance declared by regulation to be waste. <sup>xxii</sup>

Waste needs to be defined and better measured in different categories. Some material, such as asbestos, persistent organochlorines and radioactive 'waste' are hazardous materials and are prescribed wastes and should be accounted for differently than the general waste stream. Some of these materials, such as asbestos, should be buried safely but they should not be measured as part of the amount of waste that goes to landfill. Under this scenario if hazardous materials are prescribed as such, it may then be possible to achieve a policy objective and projected target timeframe of achieving no waste to landfill.

There are also issues with the way that the terms green waste (garden materials) and organic waste (kitchen materials) are interchanged as the two can have quite different management options.

Green waste – garden waste – is delivered by the public to two main companies who then process the material mainly for more garden products. Approximately 90 per cent of garden waste is recycled. Green waste is estimated, as it is difficult to measure accurately in the ACT given that most of it comes from the public and is not weighed and the density of the material varies so that even if the volume can be accurately measured the tonnage can not. Green waste also helps the ACT's overall recycling rates to look better, especially when there are good years and more green garden material. In drought years the reduction of garden waste can actually make the ACT's recycling rates go down.

Organic kitchen waste is estimated through an audit sampling process then extrapolated to obtain an overall ACT figure. This waste has a range of management options. It currently goes to landfill but can also be composted domestically or in a municipal system. When placed in landfill it putresces, releasing greenhouse gases, particularly methane. This gas is collected on ACT's landfills at an estimate of 70 per cent of the total gas produced and used to generate electricity which is fed into Canberra's grid.

The Bill seems to have capacity through regulation to categorise types of waste and measure them separately with improvements to data collection and perhaps separate targets for reduction based on ability to manage and reduce at source. However, the ACT Government has been very slow on implementing parts and regulations under the Waste Minimisation Act. The first and only Industry Waste Reduction Plan was approved in 2013 and first and only appointments of authorised officers occurred in 2013.

Given that the Government's form is that it will not follow up the legislation with regulatory support, the legislation itself should include some items that might usually form regulations, or the regulations should be introduced at the same time as the legislation.

**Recommendation 17. :**  
***The Bill includes categorisation of types of waste to allow for it to be measured, targeted and reduced separately.***

**Recommendation 18. :**  
***The Bill is accompanied by supporting regulations to take effect at the same time as the Bill.***

## **10. Community education provisions**

The Waste Minimisation Act included an element of community participation which is not present in the draft Bill. Although industry can do a lot, the establishment and maintenance of the waste hierarchy in order to effectively reduce and eliminate waste will require community engagement and participation.

The Waste Minimisation Act included in its Objects: "to ensure that industry shares with the community the responsibility for minimising and managing waste". The ongoing operation of the Material Recovery Facility at Hume has involved an element of community education (although much-reduced in recent years!).

Community engagement and education need to be incorporated into the Bill especially through the Object with consideration also to other areas.

**Recommendation 19. :**  
***That consideration is given to recycling parts of the Waste Minimisation Act into the Bill including the Object "to ensure that industry shares with the community the responsibility for minimising and managing waste".***

## **11. Some detailed comments on the Bill**

In addition to the comments above the Conservation Council has made detailed suggestions and comments on some parts of the draft Bill. Please note: we have used a document that was converted from another format in order to provide annotated comments for the consultation process. Some original formatting has been lost in conversion.

<b>Section</b>	<b>Description</b>	<b>Comments</b>
<b>Title page</b>	<b>Waste Reduction, Waste Management and Resource Recovery Bill 2015</b>	The name of the Bill should reflect waste reduction or waste minimisation and this is one option

Section	Description	Comments
<b>Passim</b>	"waste manager" should be "Waste Manager"	
<b>8 Objects of Act</b>	ADD: minimise the consumption of natural resources and the final disposal of waste by encouraging the avoidance of waste and the reuse and recycling of waste;	The Waste Minimisation Act 2001 has many parts that could still be included in the new legislation. This is just one of many clauses. Other objects could also be included.
	Part (e): promote best-practice waste management in the ACT.	'Best-practice' is better than better practice but does it have real-world meaning when resources are being allocated?
<b>9 Principles of ecologically sustainable development</b>	E.g.: (c) the polluter-pays principle; (d) the proximity principle; (e) the waste minimisation principle;	The Bill has principles additional to the "usual" principles of ESD. Should be further discussion as to implications including for other ACT legislation with ESD principles. Perhaps they should be noted as additional principles for the purposes of this Act.

Section	Description	Comments
	<p>proximity principle means that waste and recovered resources should be managed as close to the source of generation as possible.</p>	<p>The NSW EPA has implemented the proximity principle with a specific regulation: "The Protection of the Environment Operations (Waste) Regulation 2014 (the Waste Regulation) makes it an offence to transport waste generated in NSW by motor vehicle for disposal more than 150 kilometres from the place of generation, unless the waste is transported to one of the two nearest lawful disposal facilities to the place of generation (even if that facility is located more than 150 kilometres from its place of generation)." How will this Bill give effect to the principle? The NSW distance of 150k would seem too large for the ACT.</p>
<p><b>Part 3 Waster Manager</b> <b>11 Functions</b></p>	<p>ADD: (a) to develop a five-yearly Waste Strategy for the ACT in consultation with the community and industry (f) to develop systems for collection and publication of data on waste and resource recovery in the ACT; and (g) to develop, implement and administer a complaints and feedback process on matters relating to waste reduction, resource recovery and waste management in the ACT; and (h) to prepare advice on new and existing industry waste reduction plans.</p>	<p>These reflect matters raised in the Conservation Council comments</p>



Section	Description	Comments
<p><b>12 Waste manager to consult in relation to environment protection</b></p>	<p>ADD:                      (2) The Waste Manager must publish advice any advice provided by the EPA in relation to issuing a licence or entering into an agreement in relation to waste under this Act                      ALSO:                      Also add similar section with regard to Emergency Services</p>	
<p><b>Part 4 Licences—waste activity</b>  <b>17 Issue</b></p>	<p>ADD:                      (3) The Waste Manager must, not later than seven days after the Waste Manager issues the licence, publish information on the licence including all the information collected under s20.                      (4) The Waste Manager must maintain a public list of all licences issued including all the information collected under s20.</p>	<p>S20 says:                      (1) A licence must—                      (a) be in writing; and                      (b) include the following information:                      (i) the name of the licensee;                      (ii) a unique identifying number;                      (iii) the licensed waste activity;                      (iv) the term of the licence;                      (v) the conditions on the licence;                      (vi) anything else prescribed by regulation.                      (2) A licence may include anything else the Waste Manager considers relevant.</p>
<p><b>21 Renewal—application</b></p>	<p>DELETE:                      (4) If a licensee applies to renew a licence under this section, the licence remains in force until the application is decided.</p>	<p>This is a potential loophole for operations to proceed when they should be ceased.</p>
<p><b>22 Renewal—issue</b></p>	<p>ADD:                      (c) provisionally renew the licence for a specified period no greater than six months</p>	<p>This sets a period to allow for a period of consideration of renewal, if required. It also covers for deletion of s21.4.</p>

Section	Description	Comments
<b>ADDITIONS AND ENHANCEMENTS</b>		
<b>Various parts and sections</b>	Bill should include mechanisms to ensure adequate data collection on waste recovery and waste generation and reporting on that data.	The Bill should include mechanisms to ensure adequate data collection and reporting is essential for management of waste recovery and waste generation. The data and reporting should be transparent, useable and publicly available.
<b>Add industry waste reduction measures</b>	Include the industry waste reduction measures contained in Part 2 of the Waste Minimisation Act 2001	The Bill needs more on waste reduction and should, as a minimum, include these industry waste reduction measures.
<b>Require all possible resources extracted from waste stream</b>	The Bill should require all possible resources are extracted from the waste stream through other options before adoption of 'Energy from Waste Solutions'.	The Bill is an opportunity to reflect stated government policy which is that all possible resources will be extracted from the waste stream through other options before adoption of 'Energy from Waste Solutions'.
<b>No material to landfill unless processed first</b>	The Bill should require that no material be accepted to landfill unless it is has first been processed to extract all resources possible.	The Bill is an opportunity to reflect the waste hierarchy which means that landfill is only an option after all other parts have been considered.
<b>Annual report to Legislative Assembly</b>	The Bill should require an annual report to the Assembly on waste in the ACT including on key data and progress against short and long-term targets	This might be a function of the Waste Manager through the Minister. Further comments above.

Section	Description	Comments
<b>Waste Strategy</b>	The Bill should require development and implementation of an ACT waste reduction strategy in similar terms to the Nature Conservation Strategy under the Nature Conservation Act 2014	The process would include development, consultation and consideration of a draft waste strategy along the way to developing the final strategy. Further comments above.
<b>Definition and categorisation of waste</b>	The Bill include categorisation of types of waste	This would allow to allow for categories to be measured, targeted and reduced separately
<b>Develop regulations</b>	Develop contemporaneous regulations to give effect to the Bill and its objects.	This assists in giving the Bill effect as a reflection of the intention of the Bill rather than leave it to languish or for later reinterpretations.
<b>Community education</b>	Recycle parts of the Waste Minimisation Act into the Bill including the Object "to ensure that industry shares with the community the responsibility for minimising and managing waste".	There is inadequate inclusion of community education in the proposed Bill and in the interest of recycling consideration could be given to recycling parts of the Waste Minimisation Act. Community engagement should also be included under the functions of the Waste Manager and in reporting to the Assembly.

<sup>i</sup> ACT Government, [Waste Management and Resource Recovery Bill 2015](#), November 2015

<sup>ii</sup> [Waste Minimisation Act 2001](#)

<sup>iii</sup> ACT Government, "Improved Waste Resource Recovery", [Budget Outlook 2015-16](#) page 129

<sup>iv</sup> Time to Talk, [Waste Management and Resource Recovery Bill 2015](#)

<sup>v</sup> Australian Capital Territory [A Waste Management Strategy for Canberra – No Waste by 2010](#), 1996

- <sup>vi</sup> Environment and Sustainable Development Directorate (ESDD), ACT Government, [ACT Waste Management Strategy – Towards a sustainable Canberra 2011–2025 – Reducing waste and recovering resources to achieve a sustainable, carbon-neutral Canberra](#), page 6
- <sup>vii</sup> ESDD, ACT Government, [ACT Waste Management Strategy – Towards a sustainable Canberra 2011–2025 – Reducing waste and recovering resources to achieve a sustainable, carbon-neutral Canberra](#), page 12
- <sup>viii</sup> Conservation Council ACT Region, [Submission – Draft Variation 305, Mugga Landfill Expansion – Stage 5 Draft Environmental Impact Statement](#), April 2013, page 1
- <sup>ix</sup> Lauren de Waal, [Options for long-term waste reduction and management in the Australian Capital Territory](#), page 5
- <sup>x</sup> ABS, Estimated Waste Generation 2006-07, [Waste Generation And Disposal](#). The note states: "There are differences between jurisdictional definitions, classifications and methodologies for measuring waste data which may also cover different materials. Comparative use of these data may therefore be inappropriate and should only be done with caution."
- <sup>xi</sup> Blue Environment Pty Ltd, Randell Environmental Consulting, [Waste generation and resource recovery in Australia – Reporting period 2010/11](#), February 2014
- <sup>xii</sup> Blue Environment Pty Ltd, [Waste generation and resource recovery in Australia](#), page 17
- <sup>xiii</sup> Margaret Nicholson, ACT Department of Urban Services, presenting at the [NSW Waste Management Conference in 2001](#) said "In December 1996 the ACT Government released its "No Waste by 2010" strategy and became the first government in the world to set a no waste goal."
- <sup>xiv</sup> [Waste Minimisation Act 2001](#)
- <sup>xv</sup> ESDD, ACT Government, [ACT Waste Management Strategy – Towards a sustainable Canberra 2011–2025 – Reducing waste and recovering resources to achieve a sustainable, carbon-neutral Canberra](#), (ACT Waste Management Strategy) Page 42
- <sup>xvi</sup> "the waste hierarchy (Figure 5) remains an important principle for waste management in the ACT and is embedded in ACT waste legislation" [ACT Waste Management Strategy](#), Page 11; Outcome One – Less Waste generated page 13.
- <sup>xvii</sup> [ACT Waste Management Strategy](#), page 11
- <sup>xviii</sup> [ACT Waste Management Strategy](#), page 15
- <sup>xix</sup> [ACT Waste Management Strategy](#), Page 12
- <sup>xx</sup> [ACT Waste Management Strategy](#), Page 13
- <sup>xxi</sup> See Chapter 3, [Nature Conservation Act 2014](#).
- <sup>xxii</sup> ACT Government, [Waste Management and Resource Recovery Bill 2015](#), October 2015