

ARTICLES

WANT NOT, WASTE NOT: THE WASTE MANAGEMENT BILL (WA) 2000

Waste is a product of economic growth¹ and for continued economic growth increased waste management is necessary. Western Australia generates more than 2.3 million tonnes of solid waste a year.² This level of waste production, on a per-capita basis is one of the highest in our nation.³

The present legislative framework for waste management, comprising of sections within the *Health Act* (WA) 1911, *Environmental Protection Act* (WA) 1986, *Water Authority Act* (WA) 1984, *Local Government Act* (WA) 1960, *Marine Stores Act* (WA) 1902 and the *Litter Act* (WA) 1984, has been criticised for being fragmented. The Department of Environmental Protection (DEP) has recently released a draft *Waste Management Bill 2000* for public comment. The Bill attempts to consolidate the legislative provisions while including initiatives from the 'Waste 2020 vision - Towards Zero Waste by 2020' document.

Waste Management Council

A Waste Management Council (the Council) is to be established consisting of nine members drawn from local government, industry and the community.

The functions of the Council will be:

- (i) to advise the Minister for Environment (the Minister) and the Chief Executive Office (CEO) of the DEP on waste management matters. The Council will be able to receive representations from members of the public to help develop these policies.
- (ii) to promote community awareness and research on waste management.

Waste Management Services

Waste management services will continue to be provided by local government. The collection or transportation of municipal solid waste will not require *Environmental Protection Act* (WA) 1986 (EP Act) authorisation. All waste disposal, however, will continue to be subject to the EP Act.

The Executive Director of Public Health may advise the CEO of the DEP that a local government is to provide waste management services to satisfy public health requirements. The local government is then required to apply for an EP Act authorisation. The CEO may also assess any waste management services provided by a local government.

¹ Western Australia. Department of Commerce and Trade. *State Recycling Blueprint: A Plan to Halve Landfill in Western Australia by the Year 2000*. Department of Commerce and Trade and the Western Australian Municipal Association, Perth, June 1993, p.18.

² Ibid.

³ "Western Australian Waste Reduction and Recycling Policy" <http://www.environ.wa.gov.au/DEP/wp/>

Waste Management Offences

Waste management is to be carried out by only authorized persons, either the local government or a person who has a written contract with the local government and holds a licence pursuant to the Bill or an EP Act authorisation to collect waste.

The waste management services are to be carried out in accordance with the waste management plan of that local government and to the satisfaction of the CEO. If waste has accumulated due to inadequate collection services on the premises of a private citizen and have not been removed within 48 hours of a complaint, the local government or contractor commits an offence with a penalty of \$10 000.

Waste Management Plans

The CEO may require a local government to prepare a draft waste management plan in order to assess their policies or strategies. A plan has to include the following, but is not limited to:

- population and development for the district;
- an assessment of all significant sources and generators of waste in the area;
- an assessment of the qualities and classes of waste;
- an assessment of the services, markets and facilities for municipal solid waste and industrial waste;
- an assessment of options for waste avoidance, reduction, management and disposal;
- proposed strategies and targets for managing and reducing waste, and for the efficient disposal of waste that cannot be recovered, reused or recycled;
- an implementation program for achieving the strategies and targets.

The local government must act in accordance with its waste management plan. In the fifth year of operation of the plan, the local government must submit a report to the CEO on its implementation of the plan. The CEO may make amendments to that plan in certain circumstances.

The 'Waste Management (WA)' body

A new body called Waste Management (WA) consisting of the CEO and a body corporate is to be established. This body will form part of the DEP and be under their control.

Waste Management (WA) may carry on waste management at the following sites:

- (i) intractable waste disposal facility at Mt Walton East, Coolgardie;
- (ii) the Metropolitan Septage Treatment Plant, Forrestdale;
- (iii) the Industrial Liquid Waste Treatment Plant, Forrestdale.

It also has the power to:

- (i) acquire, hold, manage, improve, develop and dispose of property;
- (ii) act in conjunction with any person, firm, public authority and agency of the State or Commonwealth.

The Environmental Protection Authority has the power to monitor the implementation of any proposal that Waste Management (WA) is to implement.

Waste Management and Recycling Fund

Landfill levies and fines will be paid into the Waste Management and Recycling Fund. The Minister may use the fund to finance programmes relating to the management, reduction, reuse, recycling, monitoring or measurement of waste. These programmes may be implemented once they have been approved by the Minister and the Council.

Enforcement

Proceedings for an offence under this Bill are to be taken by the CEO. Proceedings must begin within two years of a complaint being made.

Appeals

A local government can appeal a decision and they are to be considered by the Minister within 30 days of the request and are final. No further avenues of appeal exist after the Minister's decision.

Problematic Waste

Waste under this Bill may be classified as problematic and conditions regulating its handling may be set. The local government may require a manufacturer, distributor or seller of problematic waste to do the following:

- (i) provide consumer information on the use and disposal of the product and its by-products;
- (ii) operate collection facilities for the product and its by-products;
- (iii) collect or accept the product and its by-products for disposal from a consumer.

Comments:

The Bill is currently out for public comment. Comments should reach the DEP by 16 February 2001 at the following address:

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