

**Summary of Public Comments - Review of the  
*Waste Management and Pollution Control Act* and  
*Litter Act* - Issues Paper**

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# 1 Introduction

The *Waste Management and Pollution Control Act* (WMPC Act) and the *Litter Act* are two of the Northern Territory's primary pieces of legislation for managing the impacts of pollution and waste (including litter). We, the Northern Territory Environment Protection Authority (NT EPA) determined to undertake a review of the WMPC Act with a view to advising the Minister for Lands, Planning and the Environment on potential reforms to the Act.

In September 2014 we released an Issues Paper seeking comments on a limited number of issues that we had identified with the WMPC Act and the *Litter Act*.

This paper summarises the information received in response to the Issues Paper. It presents an overview of the submissions received, but does not respond to the submissions or comments. Where appropriate, responses will be included in the discussion paper which is being developed in consideration of those submissions. Copies of the complete submissions we received in response to the Paper are available from our website at: [www.ntepa.nt.gov.au](http://www.ntepa.nt.gov.au).

We expect to release a discussion paper, and seek further public comment, in early 2015.

## 1.1 Consultation approach

We released the Issues Paper on 15 September 2014; requesting your comments by 27 October 2014.

The paper was released on our website and was accompanied by a media release. Newspaper advertising occurred on two occasions and a number of interested stakeholders were invited to directly comment through targeted correspondence.

The Issues Paper asked a number of questions in relation to particular issues that we had identified with the WMPC Act and the *Litter Act*. The issues were separated into nine broad themes:

1. Pollution that may originate outside of the Northern Territory but which has an impact on the Northern Territory environment.
2. The approach to waste management, with a particular focus on improving recycling, reuse and resource recovery.
3. Managing contaminated sites.
4. Reporting incidents.
5. Licensing emissions and discharges.
6. Improving enforcement.
7. Managing litter.
8. Environment protection acts.
9. The role for local government in the management of waste and pollution.

While the paper asked specific questions, comments were invited on any issues related to the WMPC Act or *Litter Act* or the Northern Territory's waste and pollution management framework more generally.

## 1.2 Who responded?

We received 15 submissions from a range of stakeholders including: industry associations; businesses; land councils; environmental organisations; local government; and Northern Territory government agencies. We received one submission from an interested member of the public.

**We thank everyone who took the time to provide comments and feedback on the Issues Paper and the Northern Territory's waste and pollution management framework.**

## 2 Summary of submissions

While many respondents provided detailed responses to questions raised in the Issues Paper, this document approaches the summary on the basis of the broad themes mentioned above rather than providing detailed information on the responses to each of the questions.

### 2.1 Pollution from other jurisdictions

We asked whether the Northern Territory should consider explicit provisions that create offences for persons that cause environmental harm to the Territory through by conduct engaged in outside of the Territory. Seven respondents commented on this issue.

Four respondents fully supported the adoption of provisions that would ensure that the Northern Territory environment was protected from the impacts of waste and pollution regardless of the source of that waste or pollution.

Two respondents indicated in principle support, but noted that such provisions should only be pursued if enforceable, and that care would need to be taken to ensure that the incorporation of such provisions did not create duplications and inconsistencies with the regulatory requirements of other jurisdictions.

### 2.2 Waste management

This section of the paper received the majority of comment, with most (13) respondents addressing, to some extent, the issues raised in regards to improving waste management, reuse and recycling.

12 respondents were supportive of the waste management hierarchy as a tool to improve waste management practices.

The majority of respondents (11) supported the legislative adoption of the waste hierarchy. Only one respondent specifically opposed the adoption of the hierarchy, commenting that in their view the WMPC Act already contains provisions to enable the hierarchy and that the same outcome could be achieved through better education and policy.

12 respondents commented on the use of levies. Seven respondents were generally supportive of the adoption of levies; while five respondents were generally unsupportive.

Most respondents noted, in some way, that caution needs to be exercised in introducing levies that unintended consequences (such as increases in illegal dumping) do not occur. One respondent commented that it is important that the Northern Territory's regime does not create incentives for other jurisdictions to bring their waste into the Northern Territory, noting that this would create further pressures on the Northern Territory's existing landfills and may increase illegal dumping and similar activities.

Two respondents cautioned against the Northern Territory presupposing that more is required in relation to reuse and recycling. The respondents noted that viable

(commercial) alternatives for reuse and recycling do not currently exist in the Northern Territory and further investment in infrastructure and education is required. Small waste volumes and high transport costs were often identified as inhibitors to increased reuse and recycling in the Northern Territory.

Eight respondents commented on licensing requirements for the management of waste. One respondent considered that all businesses associated with waste management should be licensed, indicating that unlicensed operators are of concern. Four respondents recommended that licensing requirements be based on, and consistent with, licensing regimes in other jurisdictions. Three respondents (including one that supported consistency with other jurisdictions) consider that licensing should be based on environmental harm or environmental risk.

To improve the management of waste, support improvements in the reuse and recycling industry, and in some instances as a precursor to the introduction of levies, respondents generally consider the Northern Territory needs to improve its data collection and analysis to identify the types of waste streams and amounts of waste that is disposed. Five respondents made comments about how data should be collected:

- two respondents considered that data collection should be 'standardised' (including a comment that data collection methodologies should be nationally consistent)
- one respondent considered data collection to be a responsibility shared between local government, landfill operators and industry
- one respondent considered that landfill operators should solely be responsible for data collection
- one respondent considered local government should solely be responsible for data collection.

### 2.3 Managing contaminated sites

Nine respondents commented on the management of contaminated sites in the Northern Territory, with all expressing the view that this requires greater focus.

Generally respondents were supportive of a contaminated sites register (in some form) that would allow 'up front' identification of contaminated, and potentially contaminated, sites.

Five respondents made comments indicating support for a contaminated land management program that was inclusive of land that has been used for mining activities.

### 2.4 Reporting incidents

Eight respondents discussed the reporting of incidents. Responses were primarily targeted at providing options for improving environmental outcomes:

- adoption of a hierarchy of responsibility for reporting (3)
- proactive regulation to prevent environmental incidents over reactionary reporting (2).

Two respondents disagreed with our comment that there is a lack of clarity regarding reporting obligations, although one of those respondents nevertheless considered that there was a role for improved education in this area.

## 2.5 Licensing emissions and discharges

12 respondents discussed matters relevant to the licensing of emissions and discharges. Generally comments support the adoption of a risk based approach to licensing.

Two respondents commented to the effect that it is important that particular industry types are not disproportionately treated from other industries with similar risk profiles.

Three respondents raised greenhouse gas emissions. Two respondents considered these were of concern and should be regulated under the Act; one respondent considered such gases were appropriately regulated federally and any regulation at the Territory level would be duplicative of another regime.

Two respondents commented to the effect that the Act is weak, and raised concerns about 'deregulation' of discharges to the environment. In contrast, one respondent considered the Act to already contain an appropriate licensing scheme.

Five respondents considered that financial assurances or bonds should be included within the licencing scheme and that the NT EPA should make greater use of these tools. Two respondents also considered that remediation measures should be an integral part of any licensing regime, including the introduction of ongoing remediation where appropriate for the activity being conducted.

Four respondents commented in relation to the management of diffuse pollution sources. Comments generally indicated that diffuse pollution sources are of concern but management options are not easily identified. One respondent noted that pollution needs to be managed by its various sources and should not be the responsibility of the landholder where the pollution collects.

Only one respondent made comments in relation to the fees that are charged for licences and approvals. That respondent considered that fees should reflect the costs to the environment of the activity and should encourage pollution abatement activities.

## 2.6 Improving enforcement

Nine respondents discussed enforcement provisions. Generally respondents supported improvements in the types of compliance and enforcement tools available under the Act. Alignment with other jurisdictions in this area was recommended.

Only one respondent considered that the existing offences and available tools were appropriate.

Two respondents specifically raised concerns with the penalties available under the Act; one considered the penalties to be particularly low; while the second commented that they are insufficient to deter 'opportunistic' polluters.

Five respondents commented in relation to the current demarcation between environmental management by the NT EPA and environmental management of mining and petroleum activities by the Department of Mines and Energy. While three respondents specifically considered that there should be a single regulator across all tenures, the remaining two respondents identified that the outcome should be an effective, simplified, and integrated approach – however this can be best achieved.

## 2.7 Managing litter

To improve our understanding of litter issues in the Northern Territory, we sought general information on littering and litter management, as well as specific comments in relation to advertising material and illegal dumping.

Six respondents made comments in relation to litter. Only one respondent considered that littering was not a problem within the respondent's community, citing container deposit schemes (both Northern Territory and local government) as a contributor to cleanliness.

A number of respondents noted particular concerns with advertising material at post offices, including the lack of recycling options and the impost on the local government waste management services.

Respondents were generally supportive of initiatives that would improve and simplify opportunities for reporting littering by third parties.

### **2.8 Environment protection acts**

Eight respondents discussed whether the Northern Territory should consider a broad environment protection act similar to those adopted in other jurisdictions.

The majority (six) were supportive of such acts, noting that they provide opportunities to remove duplication and ensure consistency in regulatory responsibility.

Two respondents were unsupportive of such an act, raising concerns that such an approach may increase, rather than decrease, duplication and complexity in the environmental management framework. One of these respondents advocated for better inter-departmental cooperation and coordination within the existing regulatory framework.

### **2.9 The role for local government**

Seven respondents discussed the role of local government in waste and pollution management.

Respondents were evenly split with three respondents considering that local government could take an expanded role, for example in compliance; and three respondents considering that there was no expanded role for local government in waste or pollution management.

One respondent commented that the primary intent should be for "efficient, effective and well resourced" regulation. While not disputing there may be a role for other organisations, whether local government or other, the respondent considered the NT EPA should be taking the lead role in this area.

### **2.10 Community involvement**

Seven respondents provided specific suggestions to improve community involvement in waste and pollution management.

Six respondents considered that the public should be invited to comment on licence applications. Five respondents did not differentiate between the nature or type of application that should be subject to comment, however one respondent noted that it may not be appropriate for all licence applications to be subject to a public comment period.

These same six respondents generally considered that the Act should provide for broader rights to appeal, and that any person with an interest in the matter (whether effected by the decision or interested within another context) should have the right to lodge an appeal in relation to a decision made under the Act.

One respondent did not consider that public comment should be sought on licence applications and further that appeal rights should be limited to the applicant or licence holder that is the subject of the decision.



Almost all submissions made reference to the need for general improvements in education, and the development of guidance material, to improve environmental outcomes, particularly in relation to waste management, reuse and recycling.

### 3 Next steps

This is a brief summary of the submissions received in response to our Issues Paper. The full submissions, where released, are available on our website.

We are analysing the submissions received during this first round of consultation and will release a discussion paper inviting further comment in 2015.

Updates on the review process are available on our website: [www.ntepa.nt.gov.au](http://www.ntepa.nt.gov.au). Please check our [legislation review page](#) for details.