



NORTHERN TERRITORY
ENVIRONMENT PROTECTION AUTHORITY
REVIEW OF THE WASTE MANAGEMENT AND POLLUTION
CONTROL ACT AND LITTER ACT

OCTOBER 2014

Contact:

The Australasian Institute of Mining and Metallurgy

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About AusIMM

The Australasian Institute of Mining and Metallurgy (the AusIMM) is the leading minerals professional association helping to build careers and communities through delivery of ongoing professional development services. The AusIMM was formed in 1893 and represents over 13,500 minerals sector professional members from across the world, with its core in the Australasian region, across industry, government and academia.

Our members include professionals from traditional disciplines such as mining engineers, geoscientists and metallurgists, as well as more recent disciplines such as business management, health and safety, social and environmental science.

Submission

This submission is in response to Northern Territory (NT) Environment Protection Authority's (EPA) review of the *Waste Management and Pollution Control Act* (1999) and *Litter Act* (1990). The AusIMM has sought feedback from members in the preparation of this submission.

The minerals sector is one of high national, state and territory interest. Within the sector it is the minerals professionals who make critical decisions every day about how to find, explore and extract minerals in the most efficient, effective, responsible and sustainable way. As professionals, our members operate to the very highest standards, including with respect to making decisions that protect the environment.

As has been highlighted in the issues paper, to achieve the goal of ecologically sustainable development requires contemporary legislation and an effective environmental management framework. As a professional association representing members from across the globe (not just the states and territories of Australia) our members are well placed to provide a perspective on the key ingredients for legislative and regulatory efficiency and effectiveness. In addition, our members work across business, government, research and academia and so provide a holistic perspective.

The AusIMM has provided feedback on a number of the specific consultation questions below.

In summary we believe that for this review to be successful, it will require clear, enhanced environmental protection goals and outcomes that all stakeholders have been involved in developing, and are readily communicated, understood and applied. In particular, the AusIMM recommends that NT EPA focus on two key issues:

1. Establishing clear policy goals and principles

NT legislation should be:

- informed by the leading approaches and legislation that has been adopted by other jurisdictions
- outcomes and risk oriented – specifying the goals to be achieved and not the steps businesses should take, as well as focussed on highest risk
- principles based – in particular adopting the waste hierarchy is important
- Subjected to cost benefit assessment to ensure regulation is delivering benefit to the community.

2. Effectively administering the law

NT Government should ensure:

- regulators are properly resourced so they can effectively and quickly administer their responsibilities
- effective communication of regulatory obligations to all parties
- regulatory practices are inclusive (allowing genuine stakeholder engagement) and transparent.

Submission Form for Comments and Feedback

Review of the

Waste Management and Pollution Control Act and Litter Act

Submissions close: Monday 27 October 2014, 5 pm

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<p>Your comments will be publicly available.</p> <p>Mark the box here <input type="checkbox"/> if you do not want your comments to be made publicly available.</p> <p>Mark the box here <input type="checkbox"/> if you do not want your identity to be made publicly available.</p>			

Section	Comment
2.3.1	<p>1. <i>Consultation question: Should the Act contain explicit provisions to ensure that it applies to activities conducted outside the Territory that cause damage to the Territory's environment?</i></p> <p>AusIMM response: No comment.</p>
2.3.2	<p>2. <i>Consultation question: Should the NT incorporate the waste management hierarchy into the Act? How could the hierarchy be used to encourage the minimisation of waste generation and/or improvements in reuse and recycling?</i></p> <p>AusIMM response: The Northern Territory (NT) should incorporate the waste management hierarchy into the Act and provide good practice guides, workshop sessions and where possible incentives to encourage the minimisation of waste generation and/or improvements in reuse and recycling. Good case studies that demonstrate that value can be extract from 'waste' through the application of the waste management hierarchy should be highlighted. Research initiatives such as Wealth from Waste Cluster Project (http://www.csiro.au/Organisation-Structure/Flagships/Minerals-Down-Under-Flagship/mineral-futures/wealth-from-waste-cluster.aspx) and research papers such as "The Status of Industrial Ecology in Australia: Barriers and Enablers" (Resources 2014, 3, 340-361 – http://www.mdpi.com/2079-9276/3/2/340).</p> <p>3. <i>Consultation question: How important is language in encouraging reuse and recycling? Would 'materials' or 'resource' management or similar phrasing change your perceptions about, and approach to, reuse and recycling?</i></p> <p>AusIMM response: To communicate clearly and to change the current paradigm about what does and does not constitute 'waste', certainly requires appropriate language. 'Waste' to one party can be interpreted as material of no value or a cost and/or hazardous. To another party, waste can be of great further value. Looking to other jurisdictions in and beyond Australia may provide insight into leading approaches for terminology.</p>

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Section	Comment
	<p>4. <i>Consultation question: What may be some of the impediments or hindrances to improving reuse and recycling in the NT? How could these impediments or hindrances be addressed?</i> AusIMM response: No comment</p> <p>5. <i>Consultation question: What types of waste management activities should require a licence?</i> AusIMM response: No comment</p> <p>6. <i>Consultation question: How can we improve our knowledge about the type and amount of wastes being generated, reused and recycled in the NT?</i> AusIMM response: The collection and dissemination of data on waste, such as types, amounts and qualities, is a crucial basis for the promotion for extracting value from waste and encouraging enterprises to develop feasible and realistic business approaches in the recycling and re-use sector. Sources include, for example, the Australian Government's National Pollutant Inventory. The NT EPA could consider specific research on NT waste generated and reused and recycled from mining operations to help put in context the relative importance of the different waste streams in terms of future liability versus value.</p>
2.3.2.1	<p>7. <i>Consultation question: Should the Territory Government consider imposing levies? To what types of activities or wastes would the levy be applied?</i> AusIMM response: No comment</p> <p>8. <i>Consultation question: What other infrastructure and industries would improve opportunities for recycling and reuse? Would these be required before a levy could be imposed?</i> AusIMM response: No comment</p>
2.3.3	<p><i>Consultation questions:</i></p> <p>9. <i>Should the management of contaminated sites be given a greater focus in the NT?</i> 10. <i>How do you suggest we approach management of potentially contaminated sites?</i> AusIMM response: Contaminated sites should be managed in accordance with best practice approaches. AusIMM recommends that NT consider and assess the approach of other jurisdictions. For example, New South Wales have identified a number of derelict mine sites as requiring management under different legislation in order to ensure effective environmental protection (http://www.audit.nsw.gov.au/ArticleDocuments/336/01_Managing_Contaminated_Sites_Full_Report.pdf.aspx?Embed=Y)</p> <p>In addition, the National Environmental Protection (Assessment of Site contamination) Measure (2013) methodology provides guidance on the development of site specific guidelines, particularly relevant in naturally mineralised environments (http://www.scew.gov.au/nepms/assessment-site-contamination)</p> <p>AusIMM advocates for implementation of the national approach to managing abandoned mines agreed by the former Ministerial Council on Mineral and Petroleum Resources (MCMPR) and Minerals Council of Australia 'Strategic Framework for Managing Abandoned Mines in the Minerals Industry' in 2010 (http://www.industry.gov.au/resource/Mining/Pages/AbandonedMines.aspx).</p>

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2.3.4	<p>11. <i>Consultation question: How can we improve the WMPC Act to ensure that the right incidents are reported by the right person at the right time?</i></p> <p>AusIMM response: The <i>WMPC Act</i> should be modified so that it is aligned (as much as possible) with the hierarchies of other jurisdictions to ensure that the right incidents are reported by the right person at the right time.</p>
2.3.5	<p><i>Consultation questions:</i></p> <p>12. <i>How do you suggest we approach management of emissions and discharges to the NT environment?</i></p> <p>13. <i>What are the benefits or costs associated with your suggested approach?</i></p> <p>14. <i>How effective is the NT's current regulatory regime in managing emissions and discharges?</i></p> <p>15. <i>Are there opportunities to more closely align the management of emissions and discharges with the risk posed by the emission or discharge?</i></p> <p>16. <i>What types of emissions and discharges should be managed under the WMPC Act?</i></p> <p>17. <i>How can we best manage diffuse pollution sources?</i></p> <p>18. <i>How effectively can your proposed approach to the management of emissions and discharges manage diffuse pollution sources?</i></p> <p>AusIMM response: No comment</p> <p>19. <i>Consultation question: How can we ensure appropriate management of a site continues once an activity has ceased?</i></p> <p>AusIMM response: Similar to Western Australia and Queensland, NT should require a person or operator to provide a financial assurance as a condition on the grant of an approval or licence to ensure funds are available to rehabilitate a site, regardless of whether the operator remains financially viable.</p>
2.3.6	<p>20. <i>Consultation question: What compliance and enforcement tools should be included to ensure that the WMPC Act can be appropriately enforced?</i></p> <p>AusIMM response The <i>WMPC Act</i> should be modified so that it is aligned (as much as possible) with the similar approaches in other jurisdictions.</p> <p><i>Consultation questions:</i></p> <p>21. <i>Do you have recommendations on the types of offences that should be included in the WMPC Act?</i></p> <p>22. <i>How could the offences be improved to ensure that the WMPC Act can be appropriately enforced?</i></p> <p>23. <i>What sanctions and remedies should be available under the WMPC Act?</i></p> <p>AusIMM response: No comment</p>
3.	<p><i>Consultation questions:</i></p> <p>24. <i>Is littering a problem in your community?</i></p> <p>25. <i>As a municipal or shire council, do you want littering provisions to apply within your area of responsibility?</i></p> <p>26. <i>Is the placement of advertising material a problem in the Territory? Is the current regulation sufficient? Is additional regulation required?</i></p>

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Section	Comment
	<p>27. <i>Would provisions such as those in Queensland and Tasmania which make it easier for the public to participate in litter enforcement activities assist to manage illegal dumping and litter?</i></p> <p>28. <i>Should the NT 'deem' certain members of the public to be responsible for litter?</i></p> <p>29. <i>What other actions or incentives could be implemented to reduce the incidences of illegal dumping?</i></p> <p>AusIMM response: No comment</p>
4.	<p>30. <i>Consultation question: Should the NT consider development of a broad environment protection act similar to other jurisdictions? What might be advantages or disadvantages of adopting an environment protection act over issue specific legislation?</i></p> <p>AusIMM response: The AusIMM believes NT should consider the approaches adopted by other jurisdictions in Australia and beyond, and supports the most effective integrated approach to environmental management and protection.</p> <p><i>Consultation questions:</i></p> <p>31. <i>In addition to matters currently contained in the WMPC Act and Litter Act, what other matters could be included in any environment protection act?</i></p> <p>32. <i>Are there matters currently contained in the WMPC Act or Litter Act that could be better managed through an alternate mechanism, such as policy, rather than through legislation?</i></p> <p>AusIMM response: No comment</p>
5.	<p>33. <i>Consultation question: Is there an increased role for local government in regulation of waste and pollution in the Territory? What is that role?</i></p> <p>AusIMM response: No comment</p>
6.	<p>34. <i>Consultation question: How could enhanced community involvement improve the NT's management of waste and pollution and improve environmental outcomes for the Territory?</i></p> <p>AusIMM response: No comment</p> <p>35. <i>Consultation question: Should the WMPC Act include requirements for the NT EPA to seek public comments on the application for a licence or the proposed conditions of a licence? If so, how could an efficient and effective process operate?</i></p> <p>AusIMM response: The WMPC Act should include requirements for the NT EPA to seek public comments on the application for a licence or the proposed conditions of a licence. Requirements should be aligned with other jurisdictions.</p> <p>36. <i>Consultation question: Who should be allowed to appeal a decision made under the WMPC Act? What should be the basis for that appeal?</i></p> <p>AusIMM response: No comment</p>
General comments	
No comment	