

## Submission Form for Comments and Feedback

### Review of the *Waste Management and Pollution Control Act* and *Litter Act*

*Submissions close: Monday 27 October 2014, 5pm*

<b>Name:</b>	Jimmy Cocking	<b>Email:</b>	director@alec.org.au
<b>Organisation (if applicable):</b>	Arid Lands Environment Centre with some comments from the Total Environment Centre	<b>Telephone:</b>	08 8952 2497
<b>Address:</b>			
<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
	<p><b>ALEC Submission to the NTEPA</b> <b>Review of the Waste Management and Pollution Control Act and the Litter Act</b></p> <p>The Arid Lands Environment Centre (ALEC) is the peak regional environmental organisation servicing Central Australia. ALEC's vision for 'healthy futures for arid lands and people' is supported through its work on community education, strategic policy advocacy and developing local initiatives to support local sustainability and biodiversity conservation.</p> <p>ALEC welcomes this review and appreciates the opportunity to make comment at this early stage of the review. The Waste Management and Pollution Control (WMPC) Act is an important Act to ensure that the environment is protected from pollutants and the impacts of waste. The challenge for any agency administering licensing and approvals is</p>

Please complete the form and send it via one of the following by no later than **Monday 27 October 2014, 5pm**:

**Email:** [NTEPA.Consult@nt.gov.au](mailto:NTEPA.Consult@nt.gov.au)

**Post:** NT EPA, GPO Box 3675, Darwin NT, 0801

**Privacy:** Your personal information will be used for the purpose of collecting and collating comments received on the Issues Paper. The NT EPA is subject to the *Information Act* and its Regulations. Information will not be disclosed to a third party, unless required by law or otherwise stated.

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	<p>developing an effective regulatory framework and enforcing compliance.</p> <p>The biggest challenge for the WMPC Act is ensuring that contaminants and waste don't fall through the gaps between the <i>Marine Pollution Act</i> and the exemptions of mining and petroleum activities. The need to clarify the legislative interactions between the WMPC Act and legislation associated with mining and petroleum activities is required to ensure that proponents understand their responsibilities.</p> <p>ALEC has worked with the Total Environment Centre in answering some of the questions related to waste management marked with an asterix*. Total Environment Centre was established in 1972 and has undertaken over 100 successful campaigns. It has been the key NGO on waste management and recycling issues at state and national levels and worked on a variety of legislation and research projects, including product stewardship such as for e-waste and beverage containers; the National Waste Policy and Recycling Initiative; and waste to energy. It hosts the Boomerang Alliance, of 30 groups which is working towards zero waste, and collaborates with industry, government and the community.</p> <p><a href="http://www.tec.org.au">www.tec.org.au</a>  <a href="http://www.boomerangalliance.org.au">www.boomerangalliance.org.au</a></p> <p>The comments provided are neither ALEC or TEC policy but are provided in the interest of improving the function of the Act for the benefit of Territorians and the environment.</p> <p>Comments to specific questions:</p> <p>1) The NT should contain explicit provisions to ensure that activities conducted outside of the NT that cause damage to the Territory's environment are covered under the WMPC Act.</p> <p>2)* Yes the waste hierarchy should be used as the benchmark for waste strategies and reporting on goals. Also it should make sure that 'waste to energy' is ranked lower and separately than recycling and reuse. This is also important in ensuring that waste to energy does not cannibalise higher level recycling and be justified simply as 'diversion from landfill'.</p> <p>3)* Language can be important and there is already a general understanding in the community about recycling. However it goes beyond this as it is often complex to understand what to do with</p>

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	<p>recyclables (eg, which bin, how to avoid contamination). So detailed communication strategies need to be employed as well as financial incentives like cash for containers for appropriate products. This is particularly important in Alice Springs and regional centres where recycling poses a unique challenge requiring at least 3 different drop off points for cardboard, wine and spirit bottles, containers covered under the NT CDS and other household waste.</p> <p>4)* A mix of strategies are always required and you can't just depend on voluntary mechanisms, so regulation and government funding grants must also be used and be well targeted. Without these working together then progress will be slow. The NT should issue a waste strategy that sets goals and targets the main problem wastes (quantity and environmental impact) while also concentrating efforts on local implementation of the strategy. The main hindrances to improving reuse and recycling in the NT is a disconnect between the NT Government, local councils and business in developing strategies and their implementation.</p> <p>5)* We suggest that the NT should mirror the NSW approach as to which listed wastes and thresholds should be used to guide licensing, with any adjustments for NT conditions. The legislation should mandate the collection of comprehensive data including from councils, government agencies and major private installations. It should also upgrade the tracking process and again the new waste regulations in NSW offer a best practice approach of closing the loop between source and destination. There needs to be a clear responsibility on the generator/collector to take waste to a properly licensed and compliant destination, including with local planning controls. It is only through effective tracking that illegal activity can be monitored and curbed. This is particularly important with mining and petroleum industry waste streams. See link for details on the new NSW regulations <a href="http://www.epa.nsw.gov.au/waste/wasteregulation.htm">http://www.epa.nsw.gov.au/waste/wasteregulation.htm</a></p> <p>6. Knowledge about the type and amount of wastes being generated, reused and recycled in the NT could be increased through implementing mandatory reporting by licence holders. Levies or providing reductions for participants could be used to encourage participation.</p>

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	<p>7*. A waste levy is a crucial instrument and provides funds for strategic intervention in NSW and Victoria to push along new infrastructure and make landfilling of recyclables unattractive. Without such a levy a jurisdiction risks becoming a dumping ground as a cheaper place to landfill as is occurring in Qld. The regulated area concept is supported.</p> <p>8. Supporting community-based initiatives and small-scale industrial processes to locally reform/recycle waste products is an approach. A community education strategy and program would increase recycling and reuse. Neighbourhood drop off points for containers/glass/tin/plastics as implemented in numerous countries, particularly in regional areas in the UK could increase participation rates. In Alice Springs, facilitating relationships to enable backfilling of containers heading back Adelaide or Darwin could also provide improved business models for increasing recycling rates. These actions would be required in parallel with a levy system.</p> <p>9/10 The management of contaminated sites should be given greater focus in the NT. There needs to be a clearer process for notification of potentially contaminated sites through amendments to the Mining Management Act and Petroleum Act to require spills (of a certain size and dependent on the chemical) and potential contamination to be reported to the NT EPA. This would also provide greater certainty and understanding of potential and actual contamination before it reaches crisis point (outside of a mineral/petroleum title). Retrospective reporting of all spills (greater than 1000L) and potential contamination on mining and petroleum titles needs to be implemented to allow for a Territory-wide understanding of sites that have been contaminated and provide greater understanding of the actual costs of clean-up.</p> <p>11. The Act needs to specify responsibility for reporting incidents. This would require anyone who knows of an incident to report it. Contractors, truck drivers, workers should have to report and document any spills or potential contamination. In similar vein to Work Health Safety Legislation – the responsibility lies on the specified Person Conducting Business or Undertaking. This then creates a chain of command that ensures that reporting is a routine part of any operation. The NT EPA and NT Worksafe could collaborate to create a form that can be used for workplace reporting. This will also</p>

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	<p>require an education process that will reinforce the responsibility of the PCBU/Manager/Owner to report any spills or suspected contamination to the NT EPA. Failure to report should be met with harsh penalties. NT EPA Hotline numbers could be included in labeling (as a sticker) for any chemicals capable of causing contamination that are sold in the NT and at the very least – widely distributed to all workplaces used chemicals that could harm the environment.</p> <p>12. A risk/impact based approach is required and could be included as part of the licensing process. All potential chemicals to be used, risk of contamination and methods of disposal need to be assessed and incorporated into the licensing process. Information regarding best practice approaches for specific emissions and discharges should be provided to any successful license applicants.</p> <p>13. Benefits are that all licensees are given specific information regarding the best practice methods for the products used and the potential emissions and waste generated. The cost would be the establishment of the register of waste products and emissions with the development of risk profiles taking time to establish. It is assumed that this would not be the first time that a process like this has been established and could easily be transferred to the Territory context.</p> <p>14. The Territory’s current regulatory regime in managing emissions and discharges is inadequate. This is largely due to the exemptions of mining and petroleum activities within a title area. There needs to a stronger and enforceable <i>Environment Protection Act</i> to regulate pollution and emissions across the entire Territory regardless of tenure. Separating pollution control and waste management would enable more enforceable regulations. The weakness of the WMPC Act has been evident with the Montarra Oil Spill due to the wriggle room allowed under the Petroleum Act and Marine Pollution Act. The current situation with the MacArthur River Mine will be a test of the current legislation and should provide a basis to create new, enforceable and retrospective regulations.</p> <p>15. Creating a focused Environment Protection Act for the specific regulation of pollution and emissions would involve the inclusion of mining and petroleum activities. A new Environment Protection Act would provide for the alignment with the Public and Environmental Health Act. If</p>

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	<p>emissions and discharges are to remain under the</p> <p>16. All emissions including greenhouse gases need to be managed in a systematic way. The disconnect created by exempting mining and petroleum activities leads to a two-tier system. The biggest threats to environmental and public health in the Territory are activities related to the mining and petroleum industries. There is a need to harmonise the regulatory system to ensure that all potentially harmful emissions and discharges are included under the WMPC Act.</p> <p>17. Diffuse pollution sources require research to identify and quantify the threat posed to the environment and public health. The NT EPA could be funded to carry out the necessary research with Terms of Reference developed with the intention of developing a long-term management plan for diffuse pollution in the NT. This process would make recommendations to best manage the challenge of diffuse pollution.</p> <p>18. The proposed approach is to develop a Territory-wide strategy for managing diffuse pollution sources. The recommendations would be expected to strengthen the Territory’s approach. In managing emissions and discharges to the environment, the exemptions of mining and petroleum activities must be removed to enable an integrated approach to managing the highest risk and polluting activities in the Territory.</p> <p>19. The current regulatory framework does not provide for adequate management of legacy sites. The fact that the person only MAY provide financial assurance as a condition is a demonstration of the weakness of the act. The act as a bare minimum must change the working to SHALL. Given the costs of clean-up associated with mining, petroleum and other industrial sites, there is a need to ensure that the community is not left with the burden of cleaning up contaminated sites. Bonds that reflect the actual and future costs of clean-up need to be included as part of the licensing process and also recovered as levies dependent upon the scale and risk of the activity. Strong and enforceable regulations with serious implications for breaches are required. Possible prison terms for negligent operators are required as a deterrent and incentive for managing the risk of contamination legacies.</p>

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	<p>20. The current WMPC Act is weak. The provisions and exclusions for offenders is unacceptable. Failing to comply in a time-based fashion and ceasing the offending activity must be met with statutory tools that could include imprisonment for large-scale breaches. Intent must be considered, however negligence does not excuse nor mitigate environmental damage. Environmental breaches must also be met with fines that match the potential impact and cost of clean-up. A significant ramping up of the fines for environmental damage is required to act as a deterrent.</p> <p>21. Environmental and potential environmental harm is required to be included as an offence. Breaching license conditions in relation to volumes and contaminants should be included as offences under the Act. Failure to notify the EPA of potential breaches or environmental harm require statutory responses.</p> <p>22. Simplifying the offences and increasing the penalties. A \$25000 maximum fine for Level 1 Offences is not satisfactory. Provisions for companies to be fined and individuals jailed for offences of a serious nature are necessary to ensure compliance. Fines should at least be doubled from the current levels. The fact that the highest offence under the act is the disclosure of confidential information by an officer or employee of the NT EPA demonstrates that the Act is not currently fit for purpose.</p> <p>23. The suggested use of adverse publicity orders, remediation orders and restitution orders should all be available under the Act.</p> <p>24. Littering is not a huge problem in Alice Springs. The Container Deposit Scheme and the Alice Springs Town Councils wine and spirit bottle deposit scheme has reduced litter in Alice Springs considerably. There are isolated issues but not any more than anywhere else.</p> <p>25. Littering provisions are necessary as the Council has very limited scope to enforce or deter littering. Littering requires statutory provisions to provide scope for enforcement by NT Police and Council Rangers.</p> <p>26. Advertising material is not a significant issue. The current regulation is sufficient, however greater focus is necessary in providing paper recycling options at Post Offices where post-boxes generally are a focus of advertising material. Non-compliance of residential requests for 'no junk mail' should be enforceable with fines that are directly attributable to the producer of the leaflet. This would ensure that workplace policies are put in place to ensure that 'no junk mail' notices are taken heed of.</p>

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	<p>27. Provisions to allow third parties to report incidents of littering would greatly strengthen enforcement of illegal dumping. It is recommended that rewards also be offered for photographic evidence that leads to a conviction. Offences should begin at \$2000 and increase for repeat offences.</p> <p>28. It is unclear as to the intent of this question. ‘Deeming’ certain members of the public to be responsible for litter can only be done with proof.</p> <p>29. Photographic points at hotspots, dob-in hotlines for reporting illegal dumping, community education campaigns and increasing the fines for illegal dumping will all have positive impacts.</p> <p>30. An Environmental Protection Act would provide the necessary protection against contamination and pollution. The Act would not carry the exemptions to the mining and petroleum industries that the WMPC Act does. Separating waste management and recycling from the pollution control functions would enable more robust regulation of potentially contaminating processes and activities.</p> <p>31. Environmental Protection Act would also include provisions in the disturbance of natural processes and environmental impact. This would include vegetation clearing, riparian health, erosion, industrial processes emitting greenhouse gases, mining and petroleum activities. The Environmental Protection Act would be far-reaching and not be subject to any exemptions.</p> <p>32. Increasing recycling and waste reduction could be addressed through policy rather than legislation. Waste management requires a legislative framework and pollution control would be best addressed through an Environmental Protection Act.</p> <p>33. Local government should be more involved in waste management and pollution control activities. Recycling initiatives will benefit municipal waste management. Local government could have a role in reporting contamination risk and providing a supportive role in managing compliance.</p> <p>34. Involving the community in the process of reviewing the Act will be critical. Education of both the purpose and penalties associated with the WMPC Act will improve compliance. Providing rewards for members of the public reporting breaches will improve outcomes.</p>

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	<p>35. Public comments for licence applications is essential for effective and sustainable decision-making processes.</p> <p>36. People and organisations acting in the public interest should be allowed to appeal a decision under the WMPC Act. People directly impacted on should also have the ability to appeal decisions under the WMPC Act.</p> <p><a href="#">Click here and press the TAB key to add extra rows to this table.</a></p>

General comments
<p><a href="#">Click here and press the TAB key to add extra rows to this table.</a></p>