

20 April 2022

Alasdair Wells
Manager, Environment Policy and Projects
Department of Natural Resources and Environment Tasmania
Environmental Protection Agency
Via email: waste.initiatives@nre.tas.gov.au.

Dear Alasdair

Targeted Consultation – Draft Waste and Resource Recovery Regulations 2022

Thank you for the opportunity to provide a submission on the draft *Waste and Resource Recovery Regulations 2022* (the draft Regulations). This submission has been prepared by the Local Government Association of Tasmania (LGAT) and has been developed based on direct feedback from local government and previous engagement on these matters.

LGAT is incorporated under the *Local Government Act 1993* and is the representative body and advocate for local government in Tasmania. Where a council has made a direct submission to this process, any omission of specific comments made by that council in this submission should not be viewed as lack of support by LGAT for that specific issue.

Local government is generally supportive of the draft Regulations. However, significant concerns have been raised by councils on the significant amount of information required to implement the regulations that is yet to be provided to facilities operators and local government more generally. The Regulations refer to numerous documents and ‘approved forms’, however, it is unclear whether these will be ready by 1 July 2022. It is important that the State Government ensures that facility operators are provided with clarity and certainty in incorporating these documents into their systems and processes where appropriate.

In addition, significant uncertainty remains as to when and how the regional waste authorities will need to apply for funds and how the Government will support remote municipalities, both in implementing the levy and the proposed levy funding support they will receive.

The following specific feedback has been provided by local government:

Administrative and Information Issues

- At the time of writing, the only schedule/form available concerning the draft Regulations is the Infringement Offences Schedule. Whilst the draft Regulations cite numerous 'approved forms' and other reporting requirements throughout the document, the only currently available document is the Infringement Offences Schedule. Whilst this may be work in progress, it sends the wrong message that the State Government is more concerned in prioritising infringements, rather than providing real guidance through the required forms and resources to enable facility operators (and therefore councils) to comply.
- At the time of writing, the Department of Natural Resources and Environment website for 'Landfill Levy Awareness Resources'¹ has not been populated, it mentions resources, pamphlets, and posters, but these have not been made publicly available yet. It also names the *Tasmanian Waste and Resource Recovery Operations Guidelines* which will include information on data format, survey requirements, and compliance management plan requirements. Whilst this resource will be a benefit to operators and facilities, it is again, not yet available. Councils, facility operators, and facility users need this documentation now, in fact, they needed it before now. It is inappropriate of the State Government to expect councils to comply with regulations with such a lack of resources and guidelines provided to date. The State Government needs to provide advice on when these documents will be made available, and will in addition, need to provide operators timeframe extensions so they can process and systematise this material given the lack of time to comply with the draft Regulations.
- Local government are seeking clarification concerning the requirement to provide an itemised record of the waste levy on receipts and invoices. Councils need confirmation from the State Government on what is required through the draft Regulations. Specifically, clarifying how the draft Regulation directs facility operators to record the itemised waste levy on receipts and invoices, and under what legislative process they are seeking to impose this on facility operators. This requirement, whilst aiming to provide transparency on the charging of the waste levy, adds significant administrative burden on the invoicing and receipting process. This would likely necessitate software updates and changes. This clause has the capacity to cause significant disruption, add significant costs, whilst only providing a benefit to weighbridge software providers.

¹ <https://nre.tas.gov.au/environmental-management/waste-and-resource-recovery-act/waste-and-resource-recovery-regulations-2022/landfill-levy-awareness-resources>

Funding and Financial Issues

- The State Government needs to provide greater clarity for authorities on the principles for the litter and illegal dumping compliance. The application of funds details that the State Government will direct 303,031 fee units to the Environmental Protection Authority Tasmania. This share is significant and further clarification on what is planned, and the programs that are expected to be funded, need to be outlined.
- The collection of information will be borne largely by facility operators in accordance with the draft Regulations. It has been noted by local government that 606,061 fee units going towards implementation and regulation of the waste levy and the 'collection of information'. Clarification is sought on the proposed plans, programs and activities that will be funded to support the objectives of the Waste Action Plan through this allocation.
- Clarification is required as to whether the fee unit of \$1.65 will apply, or if a new fee unit will apply from 1 July 2022. At \$1.65, the levy amount will be \$19.80. If CPI is applied (for e.g., 2.5%), the rate will increase to \$1.69, and the levy will be \$20.30 as of 1 July 2022.
- Further to the previous point on fee unit clarity, the State Government needs to provide greater clarity to local government on the public information surrounding the levy pricing. Currently, the fee structure implies that the levy will be variable into the future. During the process of consultation for the waste levy, the State Government publicised rates of \$20, \$40, and \$60 per tonne, incrementally increasing into the future. However, it seems that these rates will not apply due to changes in the fee unit pricing as this, combined with changes to CPI year on year, will impact the previously publicised rates. The State Government have not clearly communicated this change and expectation to stakeholders and the community. As councils will be passing on the cost of the waste levy to the community, local government faces potential backlash for something it has little control over. Local government considers that this has not been appropriately or clearly communicated publicly.

Technical Issues

- The recently circulated draft Tasmanian Waste Classification documentation seeks to provide uniformity to waste types and their identification and application. Clause 8 of the draft Regulations details various exclusions, including natural mining matter such as rock. It must be stated that the same material could be generated from a number of other non-mining related activities. There is a focus to better identify and capture waste types, however, applying differing regulations and classifications to what is effectively the same waste product

dilutes this process. Whether a waste material comes from a mine site, a subdivision project, or a roadwork should be irrelevant, it is the same waste. Local government seeks clarification as to the rationale behind the exemption for mining waste.

Other Comments

LGAT would like to note that the Levy Readiness Grants are now available, and whilst LGAT commends and supports measures to prepare local government for the waste levy, there are ongoing difficulties in engaging constructively with the grants process. This is due to the lack of understanding needed to comprehend what is specifically needed to be 'levy ready'. As previously mentioned, the *Tasmanian Waste and Resource Recovery Operations Guidelines* needed to have been provided to local government long before this grant process commenced. For example, if a facility operator needs a consultant to prepare a compliance management plan, they don't have the details yet on what is required. Therefore, submitting a grant with unknown outcomes and deliverables, may lead to an inefficient use of levy grant funds.

Please contact Dion Lester at dion.lester@lgat.tas.gov.au or 6146 3742 if you have any questions or would like further information.

Yours sincerely



Dion Lester
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