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Subject: Comments on Waste Records Consultation Paper
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To whom it may concern,

The purpose of this transmittal is to provide comments on the Consultation Paper entitled “Proposed Amendments to the Waste Avoidance and Resource Recovery Regulations 2008 to Require Record-keeping and Annual Reporting of Waste and Recycling Data”, issued by the Department in June 2016.

The consultation paper asks specific questions. These are addressed below.

Question 1: Are the definitions for liable entities sufficient clear and understandable for you organisation to determine if it is required to report? If not, what further clarification would be helpful?

Response 1: I find the definitions entirely clear. It is my view, however, that the definitions under Table 2 are inadequate. I recommend that for each definition in Table 2, the quantitative limit for reporting be lowered to nil. While the reporting requirements set at 1,000 tonnes pa would enable the Department to quantify the progress towards the landfill diversion targets established in Table 1, the requirement for record keeping and the consequential penalties for entities that do not meet these requirements will indirectly enhance the protection of the environment. A blanket reporting requirement for all licensees will force the waste industry, and in particular recyclers, to be more attentive to their procedures and practices, and will give the Department critical insights into the manner in which the individual licensees are operating.

Question 2: Are the indicative reporting requirements sufficiently clear for your organisation to determine what type of information is required to report? If not, what further clarification is required?

Response 2: With respect to recycling facilities, the second bullet states “total weight of waste recycled or recovered”. I recommend that the Department separate “recycled” from “recovered”. The diversion target is established to recycle, to the extent possible, wastes and to discourage their generation. Recyclers frequently “recover” materials and stockpile them. In a subsequent year, the recyclers may determine that it is not economical to continue stockpiling recovered materials and these can be directly disposed of. Such actions might not be reported within these statistics and might suggest a greater degree of recycling than is actually being achieved.

To be comprehensive, the Department should modify the requirements laid out in paragraph 2.2.2 as follows:

- total weight of waste stockpiled at the beginning of the reporting year
- total weight of recovered material stockpiled at the beginning of the reporting year
- total weight of material recycled during the reporting year
- total weight of material stockpiled during the reporting year
- total weight of material disposed of during the reporting year

By requesting this information, the Department will be requiring that recyclers treat the material coming into their site more or less as a bank account. Just as an annual bank audit accounts for all income and disbursements, the annual report to the Department should account for all material.

The Department would be aware of situations where recyclers stockpile hundreds of thousands of tonnes of material. A more rigorous reporting requirement as suggested here would give the Department absolute clarity on the movement of waste and recycled materials.

Question 3: Are there any barriers to the recording or reporting of these types of data for your organisation? If so, what are they?

Response 3: The only barrier is the dedication of resources to ensure that adequate record keeping is done. This should be a mandatory part of doing business for all licensees.

General comment: The Proposed offences and penalties shown in Table 3 should be modified to be graduated consistent with the annual receipts of the licensee. All licensees, regardless of the amount of material received, should be subject to the penalties shown. Then the penalties should be increased to \$100,000 each for licensees that receive more than 10,000 tonnes per annum. For many licensees, annual income is far in excess of \$1 million. A penalty of \$10,000 for failing to comply with this standard is a trivial expense, and may be less than the cost of actually complying with the standard. The penalty should be material, creating a significant incentive for licensees to fully comply.

Respectfully submitted,

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