



WASTE CONTRACTORS &  
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25 May 2017

Mr Greg Haraldson  
ACT NOWaste

by email as a pdf file

**RE: Exposure Draft of the Waste Management and Resource Recovery Regulation 2017**

Dear Greg,

Thank you for the opportunity to submit our comments to the Exposure Draft of the Waste Management and Resource Recovery Regulation 2017.

Our Association supports the effective & sustainable management of waste and appreciates the efforts of the ACT Government to implement the Waste Management Strategy while stating; 'there will be minimal 'red tape'.

**Recommendation**

Whilst the Association and Members are happy to provide our comments and feedback, it is our very strong view that once all comments have been collated, there should be a further consultation session to discuss a REVISED DRAFT version of the Waste Management and Resource Recovery Regulation 2017. It is critical that this take place, as it will improve the prospect of a proper & sustainable regulatory outcome (and minimise the potential for perverse, negative outcomes).

**Bin Placement in Public Places Tax & Part 4, section 25 of the Exposure Draft**

We have previously written to you in relation to the Bin Placement in Public Places Tax. To date we have not had a reply to these concerns. In the context of better waste management outcomes, it is vital that this issue be addressed & resolved by the ACT Government. We again reiterate:

- Members provide an essential service, this is a Tax on the provision of an essential service;
- The ACT Government is investing a great deal of resources & effort to better manage waste & recycling. As an industry, we are expected to (and we want to) provide extra services for recycling. This Tax discourages the provision of recycling bins; and
- Our Members have much difficulty in passing on this retrospective Tax. It therefore becomes a cost that each waste contractor is then required to absorb.

Part 4, section 25 of the Exposure Draft is headed "**Waste Manager may approve place for waste container storage**". Industry appreciates the fact that we now have an avenue for the written approval of storage containers in a public place. We also would like to have it confirmed that by complying with the provisions of this section, it will supersede the onerous and unfair requirements of the Bin Placement in Public Places Tax.

**Further comments**

Our Members have raised the following comments and questions in relation to the Exposure Draft for the Waste Management and Resource Recovery Regulation 2017:

- Will existing license holders be required to re-apply for a license under the new regulation?
- When will the application fee and annual fee amounts be published?

- Members have advised us publicly listed organisations may be reluctant to provide directors' details.
- The Waste Management and Resource Recovery ACT 2016 (Part 30, Section 130, Clause 1) states the Regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of this Act. The Regulation does not prescribe transitional arrangements yet this would be beneficial in the following areas:
  - Time & resources will be required to review client needs and replace or retrofit equipment and waste containers (such as installing lids on waste containers) to facilitate compliance with:
    - waste segregation (Part 4, Section 19),
    - failure to keep waste in waste container (Part 4, Section 20),
    - unhygienic waste container (Part 4, Section 21),
    - unsightly waste (Part 4, Section 22),
    - waste container not closed (Part 4, Section 23), and
    - incorrect location of waste container (Part 4, Section 24 & Part 4, Section 25)
    - It should be noted that bulk waste bins (in the hook, dino & skip systems) do not have lids or covers. These bin types should be exempted from compliance with the above waste container provisions.
    - **NOTE** - it is the waste industries very clear understanding that the above waste container provisions only relate to bins collected by trucks in the side-lift, rear-lift and front-lift waste & recycling systems.

On behalf of our Members we request a 12 month transitional period for Sections 19 to 25 to allow License holders to inform waste generators of the regulations and then to implement corrective actions where necessary.

- How will reporting be undertaken by Waste Facility and Waste Transporter Licensees - will this be paper-based or electronic (data upload)?

On behalf of our Members we request a 12 month transitional period for Sections 27 to 28 to allow License holders to analyse, set-up, test and implement systems and processes that support the reporting of the required data.

Should you require any clarification, please contact the undersigned,

Yours faithfully,

Tony Khoury  
Executive Director