

MINUTES OF THE WASTE MANAGEMENT BOARD MEETING

Held on Thursday 10 April 2008
Department of Environment and Conservation
9.00 am – 1.00 pm

1. WELCOME & APOLOGIES

The Chair declared the meeting open at 9.20 am and welcomed all present.

MEMBERS PRESENT

Mr Barry Carbon	Chair
Mayor Paddi Creevey	
Ms Carolyn Jakobsen	
Mr Geoff Richards	
Mr Graham Slessar	

ATTENDEES

Dr Jill Lethlean	A/Manager, Waste Management Branch	
Mr Bernard Ryan	Manager, Policy & Evaluation	
Mr Tony Beeson	Manager, Waste Management and Recycling Account	
Ms Diane McKinnon	Executive Officer	Minutes/Actions
Dr John Ottaway	Principal Consultant (Assistant Director – Environment)	
Ms Chantelle Noack	Senior Project Coordinator, Policy & Evaluation	For item 6.1

APOLOGIES

Fleur Newman	
Michael Kerr	A/Director, Sustainability – for Director General, DEC

2. CONFLICT OF INTEREST DECLARATIONS

Mayor Paddi Creevey noted a conflict of interest with item 6.1 – Regional Funding Model for Local Government. Board members agreed that it was appropriate for her to stay for the discussion but not to vote on the item.

3. CONFIRMATION OF MINUTES

The minutes of the Waste Management Board meeting held on 13 March 2008 were confirmed as a true and accurate record of the meeting, subject to minor amendments.

RESOLUTION OF DISCUSSION:

3.1 The minutes of the 13 March 2008 meeting were confirmed as a true and accurate record of the meeting, subject to minor amendments.

4. ACTIONS FROM PREVIOUS MEETINGS

Members reviewed the actions from previous meetings. Generally, the actions listed were accepted and noted. The following items required clarification or an update on status during the meeting:

Actions from 13 March 2008 meeting:

4.2 Attendance at Towards Zero Waste Summit in China. The Chair advised that invitations were extended to individuals to attend the waste summit on behalf of the Board. Unfortunately for various reasons, no-one approached was able to take up the offer to attend.

6.1.1 Zero Waste Plan Development Scheme 2006/07 Final Report. The Board queried the status of the public release of this document and the launch of the first household hazardous waste collection service. Jill Lethlean advised that the report has been released via the Towards Zero Waste website and newsletter. The Board requested to receive information regarding the public release of all Board documents at the time they are released.

In relation to the launch, Jill advised that she will be meeting with MWAC in the next week to discuss infrastructure and other matters, including the launch. The Board indicated their keenness to invite the Minister to launch the first collection service as discussed to ensure the program has maximum visibility. It was noted that the Position Statement on Recycled Organics has also been publicly released.

6.4.2 EPHC Briefing to the Minister. The Chair advised that he has met with the Minister on several occasions in preparation for the Minister's attendance at the forthcoming EPHC meeting. The Chair also advised that he met with the Director General, DEC. All matters are now ready for the EPHC meeting next week. The Chair indicated that he would advise the Minister as soon as possible of any Board decisions with regards to waste oil, prior to the EPHC meeting.

RESOLUTION OF DISCUSSION:

4.1 The Board requested that it receives information regarding the public release of all Board documents at the time they are released.

ACTION:

4.2 The Chair and A/Manager, Waste Management Branch to discuss opportunities for inviting the Minister to participate in formal presentations to recipients of Board funded projects.

5. CHAIRMAN'S REPORT

Nil.

6. ITEMS FOR DISCUSSION AND/OR DECISION

6.1 Regional Funding Model for Local Government

Officers outlined the Regional Funding Model for Local Government, including the process for implementation, proposed investment criteria, roles and responsibilities of the Board, DEC (Waste Management Branch), WALGA and Local Government and funding required to support the program for 2008/09.

The WARR Act contains provisions which would allow the DG DEC to require a local government to have a Waste Management Plan and to include this within its Plan for the Future. The Board discussed, in general terms, requirements for Strategic Waste Management Plans and Regional Investment Plans and

the role each plays. Officers presented a graphic representation of how these plans relate to each other to clarify the situation.

The Board noted that \$1.2 million has been expended so far in supporting the development of Strategic Waste Management Plans. A further \$2.6 million is committed to be spent following the delivery of the plans in September 2008.

Officers advised that the introduction of Strategic Waste Management Plans has been effective in encouraging local governments to work and plan together. Of a total of 112 non-metropolitan local governments, the majority have undertaken to produce plans through regional groupings. Strategic Waste Management Plans are due to be completed by September 2008.

The Board discussed the WARR Act as it relates to the ability of the DG DEC to require a local government to have a Waste Plan in place, which among others matters, outlines how the Waste Plan will be managed to achieve consistency with the Waste Strategy. The Board agreed that it write to the DG DEC (with a copy to the Minister) advising that the Board is committing significant expenditure to this process, which has effectively leveraged significant local government efforts, and would be very concerned to ensure that the DG not act unilaterally in a manner which is counter-productive to policies and procedures being implemented by the Waste Authority.

The Board received clarification from officers on the draft regulations as they relate to requirements for Waste Plans. It was confirmed that the regulations did not require Waste Plans to be developed unless the DG DEC required them. It was noted that the Board's financial support for the development of Strategic Waste Management Plans was to significantly limit the need for local governments to produce Waste Plans under the WARR Act. It was noted that, with respect to considering whether to require a local government to prepare a Waste Plan, the DG DEC must consult with the affected local government, and if the local government so requests, must consult with the Waste Authority and have regard to its views.

RESOLUTIONS OF DISCUSSION:

- 6.1.1 The Board agreed to support the Regional Funding Model pilot program for the 2008/09 period and the expenditure of \$2.5 million and to recommend to the Minister, that he approve the allocation required.**
- 6.1.2 The Board agreed to recommend to the incoming Waste Authority, its strong support for the extension of the Regional Funding Model until the end of the 2012/2013 period to align with the planning horizon of Strategic Waste Management Plans.**
- 6.1.3 The Board agreed to write to the DG DEC (with a copy to the Minister) regarding potential concerns if local governments were required to produce a Waste Plan, when an agreed Strategic Waste Management Plan was already in place.**

6.2 Landfill Levy Review – Board Response

Officers presented a response to the Landfill Levy Review Report prepared for the Board's consideration. The paper summarises the main points of the review, provides a response from the Board based on previous resolutions of the Board and lists specific recommendations to be passed on for the consideration of the incoming Waste Authority.

Recommendation 1, 3, 5 and 7: The Board discussed the recommendations contained in the paper and agreed with the recommendations as highlighted within the paper .

Recommendation 2 and 6: The Board agreed on the recommendations but requested that the word 'pursue' be changed to 'investigate.' The two recommendations also need to cross-refer to each other.

Recommendation 4: The Board agreed on the intent of the recommendation but requested the inclusion of more information in the body of the report on the need to provide appropriate feedback mechanisms for householders.

Overall, the Board considered the response to the Landfill Levy Review Report to be short, sharp and impressive and commended DEC officers for their efforts.

The Chair requested that a simple letter of acknowledgement be forwarded to Eclipse Resources for the numerous written and verbal submissions they provided on this issue.

RESOLUTIONS OF DISCUSSION:

6.2.1 The Board noted the Response to the Landfill Levy Review Report and would make subsequent recommendations to the incoming Waste Authority.

6.2.2 The Board supported the recommendations contained in the report, subject to minor amendments in recommendations 2, 4 and 6.

6.2.3 The Board noted that some items from the Blyth Report were still outstanding.

ACTION:

6.2.3 DEC (Bernard Ryan) to prepare a short letter of acknowledgement to Eclipse Resources for the Chair's consideration.

6.3 Landfill Levy Model / Licensing

The Board noted the following differential rates for putrescible and inert wastes in the current regulations:

- From 1 July 2010, both putrescible and inert wastes will be charged at the same rate of \$9 per tonne/cubic metre.
- The initial levy rate for putrescible waste was set at \$3 per tonne. It is currently \$6 per tonne. Incremental increases in the levy for putrescible waste have been set at \$6 (2007/08), \$7 (2008/09), \$8 (2009/10) and \$9 per tonne from 1 July 2010.
- The initial levy rate for inert waste was set at \$1 per tonne. It is currently \$3 per cubic metre. Incremental increases on the levy for inert waste have been set at \$3 (2007/08), \$5 (2008/09), \$7 (2009/10) and \$9 per cubic metre from 1 July 2010.

The Board continued its discussion regarding the possible inclusion of an 'in-between' Class landfill – a 'filling of land for useable land use' / 'land reclamation' Class. The Board discussed the feasibility of applying a flat ongoing rate of \$3 per tonne for the re-use of clean inert waste.

It was noted that careful consideration needs to be given to determining the proposed rate to ensure it is economically viable for operators, as the cost would be additional to costs associated with the separation of the waste in the first place. In considering an alternative Class landfill, it was noted that the Class would require clean fill with a defined, organised land use (destination), to be licensed, be in accordance with a set of principles (to be developed) and meet objectives of current waste management requirements.

The Board discussed Table 2 – waste type definitions. The Board noted that if waste was 'cleaned up' in accordance with Table 2 (with no significant degradable waste) it could be deemed to be classed as clean fill. In accordance with the Environmental Protection Act, this type of activity would require licensing.

It was noted that the key objective of the new Class would be to provide incentives for operators to clean up inert waste and use it for land recovery and other activities.

RESOLUTIONS OF DISCUSSION:

- 6.3.1** The Board agreed that it would be appropriate to advise the Minister of the possibility of creating a new class of activity to which the levy could apply, pending discussion and deliberation of the Waste Authority. This includes advice relating to the possible requirement of DEC to review the application of relevant licensing practices.
- 6.3.2** The Board to draw to the attention of the Waste Authority the issues raised in the briefing note and Attachment 1 prior to recommending to the Minister that he request DEC to establish a new class of activity to which the landfill levy may apply.
- 6.3.3** The Board agreed that it recommend to the incoming Waste Authority, the need to give consideration to the issue of virgin material being taken from one place and taken to another – and whether in their opinion, this should be classified as waste for the purposes of applying a levy.

6.4 Draft EPR / Product Stewardship Approach

The Board noted with interest, the paper provided on the draft Extended Producer Responsibility / Product Stewardship Approach and congratulated DEC officers for the detailed briefing. The Board agreed, however, that due to it relating to implementation of the WARR Act, the matter be referred to the incoming Waste Authority for its early consideration. The Board agreed to convey its strong support for work in this area.

RESOLUTION OF DISCUSSION:

- 6.4.1** The Board agreed that the Draft EPR/Product Stewardship Approach briefing be referred to the incoming Waste Authority for its early consideration.

6.5 Best Practice Waste Management Consultation

The Board noted the paper presented, detailing an approach to applying best practice under the Waste Strategy, which is required under the WARR Act to be prepared by the Waste Authority. Consistent with item 6.4 above, the Board agreed that it is the role of the Waste Authority to lead discussion and consultation on the best practice model for waste management, and that the matter be referred to the Waste Authority for its early consideration.

RESOLUTIONS OF DISCUSSION:

- 6.5.1** The Board agreed that the paper outlining a Best Practice Waste Management Approach be referred to the incoming Waste Authority for its early consideration.
- 6.5.2** The Board agreed that any proposed consultancies, planned as part of this work, not be undertaken until the Waste Authority has been provided with an opportunity to discuss the matter.

6.6 Used Oil Funding Request

Bernard Ryan outlined a proposal to the Board for the provision of up to 50% of the used oil collection costs incurred by local government under a contract administered by the Western Australian Local Government Association (WALGA).

The Board requested that the proposal from WALGA be signed off by the Chair of the Municipal Waste Advisory Council or CEO of WALGA to authenticate the request due to the significant amount of support required.

The Board considered the proposal on the proviso that the request would be confirmed in writing by the Chair or Deputy Chair of the Municipal Waste Advisory Council.

In considering the request, the Board discussed the possibility of assisting with funds towards collection fees associated with used oil, to the value of \$150,000 per annum, over two years. While the Board was supportive of the principle of setting funds aside for a limited period to assist with used oil collection costs, this was seen as a temporary measure only and not sustainable in the longer term. The Board also expressed its keenness to include a mechanism that would see drums over a 20 litre capacity not being included under the program to ensure large scale operations were not being subsidised.

In supporting the request, the Board agreed that funding be provided for the used oil collection program from the Thematic Tenders area of the current business plan.

The Board sought clarification on whether the Commonwealth Government had a view on this issue. The Board requested DEC to formally write to the Commonwealth and obtain a written response on this matter.

In preparation for the forthcoming EPHC meeting, the Chair advised that he has provided briefings to both the Minister and Director General, DEC regarding the preference for Western Australia to have national objectives for EPR.

RESOLUTIONS OF DISCUSSION:

- 6.6.1 The Board endorsed the allocation of up to \$300,000 (\$150,000 per year over 2 years) to cover up to 50% of used oil collection costs incurred by Local Government, in anticipation that a separate program from the Commonwealth Government may not be in place within this timeframe.**
- 6.6.2 The Board agreed that should a Commonwealth funding scheme be in place within the 2 year timeframe, the allocation of funding provided should be reviewed accordingly.**
- 6.6.3 The Board requested that advice be provided to local government and the Waste Authority at the end of the first year, regarding their consideration of how this matter will be dealt with at the end of the 2 year support period.**
- 6.6.4 The Board requested that DEC write to the Commonwealth Government seeking financial support for this funding initiative as part of the national Product Stewardship Program for Used Oil.**

ACTION:

- 6.6.5 DEC (Bernard Ryan) to seek a written request from an appropriate senior officer (MWAC Chair /Deputy Chair or CEO, WALGA) regarding the used oil collection partnership proposal.**

6.7 Outline of Work Plan 2008/09

Jill Lethlean outlined that under the WARR Act, the Waste Authority is required to prepare a Waste Strategy and a Business Plan (based on the Waste Strategy). She expected it to take approximately 12 months to complete a Waste Strategy and Business Plan that meet the requirements of the WARR Act.

DEC proposed that an extension of the current 2007/08 Business Plan to 30 June 2009 be considered by the Board (and ultimately the Minister) to allow the Waste Authority sufficient time to develop its first full-year Business Plan, in accordance with the WARR Act. DEC also proposed that the Board approve expenditure from the WMRA in accordance with the Outline of Work Plan 2008/09, tabled as part of the agenda papers.

The Board agreed that the Minister's approval be sought, advising that funding should continue as 'business as usual' for the majority of projects outlined within the current 2007/08 Business Plan until otherwise advised by the Waste Authority. The Board also determined that if additional or alternative work is required within theme areas of the Business Plan, the Chair would ultimately make a decision on these matters. However, if it was different to the intent of the Business Plan, the Chair agreed that he would advise the Board accordingly.

The Board discussed the Outline of Work Plan 2008/09 and commitments requiring implementation. The Board agreed to proceed with the majority of projects highlighted where they were considered business as usual and work was already proceeding, until the Waste Authority is in place. The following comments were provided against specific projects highlighted:

Landfill Gas Regulations – the Board is currently awaiting advice from the Minister regarding this matter. It was noted that the EPHC will discuss the classification of methane gas from landfill with regards to determining whether it is considered business as usual or the selling off of carbon credits.

Waste Wise Grants Program – the Board agreed to continue funding for a further one year period.

It was noted in Attachment 3 item 9 that this should read 'Funding Models' and that the estimated budget only covers the development phase not the total quantum of funding for the models.

The Board agreed to put on hold projects relating to Reinvigorating Recycling, Recycled Organics market development and communication until the Waste Authority is in place.

CDS and EPR implementation – the Board requested that a copy of the briefing recently forwarded to the Minister be sent to all Board members via email.

The Board directed that no new staff be appointed effective immediately until the new Waste Authority is in place. This includes all positions that have not already entered a departmental approval process to advertise permanently or temporarily fill (through the calling of expressions of interest). All vacancies for which a formal process has not commenced should not continue.

Jill outlined that current commitments sought by the Minister's Office require the support of an additional officer, as currently no resources are available to undertake the work required. The Chair requested that the A/Manager, Waste Management Branch meet with him to discuss available budget and additional staff resources (temporary or otherwise) to ensure work required is finalised within an appropriate timeframe.

RESOLUTIONS OF DISCUSSION:

- 6.7.1 The Board agreed to recommend to the Minister, that the operation of the sections of the WARR Act relating to the development of a Business Plan be delayed until after June 2008.**
- 6.7.2 The Board agreed to recommend to the Minister, that the Minister considers an extension of the 2007/08 Business Plan to allow the Waste Authority sufficient time to develop its Business Plan in accordance with the WARR Act.**
- 6.7.3 The Board agreed on the progression of the majority of current commitments from the 2008/09 work plan as discussed at the meeting.**
- 6.7.4 The Board agreed to put on hold until the establishment of the Waste Authority, projects relating to reinvigorating recycling, recycled organics market development and communication.**
- 6.7.5 The Board directed that no new staff be appointed effective immediately until the new Waste Authority is in place. This includes all positions that have not already entered a departmental approval process to advertise permanently or temporarily fill.**

ACTION:

- 6.7.6 A/Manager, Waste Management Branch to meet with the Chair to discuss available budget and additional staff resources (temporary or otherwise) to ensure work required is finalised within an appropriate timeframe.**

7. ITEMS FOR INFORMATION AND/OR DISCUSSION**7.1 Significant Correspondence – Waste Management and Recycling Account**

The Board noted the final evaluation project reports received from:

- Greenskills – Towards Zero Waste Events – Pilot Program, SWIS Grant 2006.

7.2 Significant Correspondence – Ministerial/Board

The Board noted the status of recent Waste Management Board correspondence addressed to the Chair.

7.3 WARR Levy Regulations & WARR Regulations - Progress

John Ottaway presented the two sets of draft regulations (the WARR Levy Regulations and the WARR Regulations) to the Board. The Board noted that ideally, the gazettal of the regulations and the proclamation of the two Acts in mid June 2008 is highly desirable, with commencement dates of 1 July 2008. This means that the final draft of the two sets of WARR regulations approved by the Minister must be with Parliamentary Counsel by the latest, Monday 2 June, so that they are on the Executive Council agenda for its meeting of 17 June 2008.

The Board briefly discussed the draft regulations, having already provided preliminary input. It was noted that the draft regulations have also been forwarded to the WA Local Government Association for the consideration and comment of the Officers' Advisory Group (OAG) and the Municipal Waste Advisory Council. The Board provided the following comments:

- Section 17: (1) the levy might apply to other licensed premises (as well as licensed landfill). It was noted that there may be circumstances where 'locations' are required to keep records, but are not licensed landfills. Section 14 (1) may need to refer to 'disposal premises' rather than 'landfill.'
- The Board outlined the discussion and resolutions from agenda item 6.1 (Regional Funding Model for Local Government) as it related to the Board requiring clarification on the draft regulations regarding the DG DEC requiring Local Governments to have waste management plans in place.

John Ottaway advised that the implications of the Act are that the DG would, as a matter of normal procedure, consult with the Authority before taking action. Also subject to local government objection, the DG's notice could be appealed to the State Administrative Tribunal

- Part 5 – Amendments 22 (3) - 1 April 2008 needs to change to 1 July 2008.

RESOLUTION OF DISCUSSION:

- 7.3.1 The Board provided comment of the two sets of draft WARR regulations.**

ACTIONS:

- 7.3.2 The Board advised John Ottaway of its resolutions at 6.1.3 to seek clarification from the DG DEC regarding the requirement for local governments to produce waste plans.**
- 7.3.3 The Board requested John Ottaway to inform the DG DEC that a letter will be sent to him on this matter.**

7.4 Inquiry into the Management of Australia's Waste Streams and the Drink Container Recycling Bill 2008

Jill Lethlean advised of an inquiry called by the Standing Committee on Environment, Communications and the Arts into the management of Australia's waste streams and the Drink Container Recycling Bill 2008. The Board has been invited to provide a submission on the terms of reference established for the inquiry.

The Board noted that submissions on the terms of reference were required by 23 May 2008. The Board agreed that a short response be provided advising of the extensive investigation with CDS in Western Australia and recommendations made to the WA Environment Minister by the Board that it is the Board's desire that momentum not be lost and decisions be made regarding a container deposit scheme at a national level as soon as possible.

RESOLUTION OF DISCUSSION:

- 7.4.1 The Board agreed that a short response be provided to the Inquiry into the Management of Australia's Waste Streams and the Drink Container Recycling Bill 2008 as discussed at the meeting.**

7.5 Waste Management Board 2007/08 Business Plan Projects – Summary of Consultancies

The Board noted the current and completed consultancies undertaken by the Waste Management Branch in support of the 2007/08 business plan.

7.6 WMRA – 2007/08 Review of Commitments and Resourcing and History of Expenditure

The Board noted the 2007/08 commitments and resourcing and the report on the use of the Levy funds since its inception.

ACTION:

- 7.6.1 The Chair requested to meet with relevant DEC officers to gain a better understanding of the reports to assist in his discussion with the Minister and the incoming Waste Authority.**

7.7 Preparation for Commencement of the Waste Authority

Jill Lethlean provided a brief update on the preparation for commencement of the Waste Authority.

7.8 Container Deposit System for WA

Jill Lethlean provided a brief report on the continuing investigation into a possible container deposit scheme for WA.

8. OTHER BUSINESS

8.1 Invitation extended from Minister for Board members to attend function at Parliament House

Diane McKinnon advised that a tentative date of Tuesday 6 May 2007 at 6.00pm has been tentatively scheduled for the Minister to host a function at Parliament House for Board members. This date is subject to confirmation with the Minister's Office.

9. PRESENTATIONS

Nil.

10. NEXT MEETING

The next meeting is scheduled to be held on Thursday 8 May 2008 at DEC's Atrium offices, between 9.00am to 1.00pm. However, the Chair has indicated his preference to meet for up to 2 hours prior to the function for Board members tentatively booked at Parliament House on 6 May 2008. The Board meeting and function at Parliament House are to be confirmed.

11. CLOSE

The meeting closed at 1.45pm.

The Waste Management Board was superseded by the Waste Authority on 7 May 2008. The former Chairman of the Board approved this version of the minutes as being a true and accurate record of the meeting.

A handwritten signature in black ink, appearing to read 'Barry Carbon', is written over a horizontal line.

Barry Carbon, Former Chairman
WASTE MANAGEMENT BOARD

18 June 2008