

## Victoria

# Waste and recycling legislation and governance - Options Paper

## Submission

<https://engage.vic.gov.au/new-victorian-waste-act-and-waste-authority-proposed-model>

1. With only 44% of waste collected for recycling from Victorian households and given that the waste and recycling industry will need to manage 40 per cent more materials than it does now by 2045 – concerted action is essential. The critical test is whether the new governance arrangements and legislation are the best way to advance the circular economy.

We:

2. Support:
  - introducing a container deposit scheme with best practice governance
  - providing a kerbside reform package – including standardising bins and kerbside services across Victoria (noting this does not necessarily assist with consumer confusion about whether a product should go into the recycling bin given complex and diverse packaging)
  - building on existing waste and recycling infrastructure planning to include all waste streams and improving risk and contingency planning
  - reform of the landfill levy to bring it in line with other states
  - recognising the social, economic, and environmental value of reducing waste, reusing and recycling, and to support the shift to a circular economy
  - establishing robust and verifiable waste data systems for Victoria to help businesses and government better manage waste and make better investment decisions
  - develop an industry and infrastructure development package to accelerate and stimulate investment in infrastructure to increase recovery and the safe management of waste
  - minimum standards for household waste and recycling services
  - businesses will be required to separate waste for recycling from 2025.
3. Do not support waste to energy (via the proposed cap of one million tonnes each year of residual waste that can be used in thermal waste to energy facilities) as it is contrary to the circular economy; and uses mixed wastes which pose significant pollution risks and diversion of recyclables.
4. Agree that combining regulatory, procurement and sector planning functions into a single waste authority provides an opportunity to coordinate functions to achieve state-

wide waste and recycling goals. The waste authority will support councils to collaborate in procuring waste and recycling services. Greater coherence implementing policy and uniformity across Victoria should result as opposed to varied approaches from regional governance. It will be important to have a Board and staff that are not wedded to the status quo and that it has the capacity to break down barriers in industry and the bureaucracy that could obstruct more rapid circular economy progress.

5. Further, support:

- Introducing the legislative underpinning for Victoria's container deposit scheme at the same time so that it can begin to operate in 2022/23. It will be important for the success of the government's objectives that there is a clear and positive link between the manager of refund points and maximising recycling. This means the "split governance" model which prevents control by the beverage industry and allies which has a conflict of interest in protecting profits and ensuring best practice recovery. The Act should contain the necessary head of power to establish a CDS, its objectives and preferred governance framework.
  - Ministerial power to establish recycling market schemes. The combination of opposition to intervention in the market at industry and bureaucratic levels has caused unnecessary delays in development of the market. There is no time to waste.
  - Provision for state-based product stewardship schemes. Too often industry has convinced government at federal and state levels that voluntary programs will suffice. While NSW has such PS legislation for some decades, little or no action has occurred at state level – the only exception being the CDS under entirely different legislation. Also the absence of national leadership is more characterised by time-delaying studies and giving industry voluntary programs, time to (non) deliver. Such joint ministerial decisions about process are usually, the only response to threats by states to act unilaterally. The new arrangements should require clear benchmarks about when to act at a state level and a clear hurdle for the test of "effective voluntary schemes". Mandatory product stewardship schemes should be the default. A prime target could be packaging which has targets on relatively short timeframes and yet no specific government triggers for regulatory intervention (note: NSW in its recent waste Discussion Paper foreshadowed possible state based action on packaging).
6. The issue of mandating recycled content needs to be much better highlighted. At present it appears to simply be a consideration, when it is essential to build and maintain the recycling industry. The new authority should have powers to advise and inject recycled content requirements into government procurement.
7. The initial focus is on kerbside. In this regard the Authority should have FOGO as one of its priorities. It will be a more important focus than waste to energy in terms of quantities diverted from landfill and the circular economy.

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24/9/20