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To Whom it May Concern,

Submission on the Draft Circular Economy Strategy

The Environment Centre NT (ECNT) is the peak community sector environment organisation in the Northern Territory of Australia, raising awareness amongst community, government, business and industry about environmental issues, holding government to account on environmental issues, improving environmental governance and regulation, and assisting people to reduce their environmental impact and supporting community members to participate in decision-making processes and action.

ECNT congratulates the Northern Territory Government on its proposal to develop a Circular Economy Strategy for the Northern Territory and welcomes the opportunity to make this submission on the Draft Circular Economy Strategy. ECNT recognises that this is an innovative and exciting initiative by the Northern Territory Government, and one that should be celebrated by Territorians.

ECNT has a long association with the subject matter of the Draft Circular Economy Strategy and is a respected voice on waste in the Northern Territory. COOLMob is the sustainable living initiative of ECNT with a mission “to help and inspire our community to live sustainably and reduce their greenhouse gas emissions”. COOLMob’s role is to engage and keep the community interested in positive action. ECNT also supports Waste Free NT (WFNT), a volunteer group comprised of a growing group of passionate individuals encouraging people to minimise their landfill waste through education, events and projects. WFNT received a City of Darwin grant in 2018 to establish the “Wash against Waste” Community Hub; a trailer design that functioned as a wash station and point of education, open discussion and community collaboration. These initiatives have enjoyed considerable respect and credibility in the Northern Territory community. However, their success is dependent on project funding by government, which is sporadic and unpredictable (and currently, scant).

It is no secret that the Northern Territory has the lowest plastic packaging recycling rate in the country at just 7%, very far from the national target of 70% by 2025.¹ However, there is currently an

¹ APCO. (2021). *Australian Packaging Consumption and Recycling Data 2019-2020*.

unprecedented degree of public interest and desire for effective behaviour change with respect to waste. This has been caused by growing public awareness about the global problem of waste, including plastics, and their role in land contamination, marine pollution, and killing wildlife. There is growing public concern about climate change and the significant greenhouse gas emissions resulting from all types of waste, including food, fashion and plastics. Successful international campaigns such as Plastic Free July have raised awareness about the impacts of single use plastics. The high level of community engagement and knowledge about waste should be capitalised upon by the Northern Territory Government in developing the Circular Economy Strategy.

ECNT acknowledges that the management and regulation of waste is a complex topic, with myriad options for moving to an economy that embeds genuine circular economy principles. Given the Northern Territory's unique jurisdictional characteristics and constraints (including its vast size, relatively small economy, small population and remoteness), a bespoke approach will be needed to develop a Circular Economy Strategy that works for the Territory, and that appropriately harnesses and responds to strong community sentiment about waste.

The Northern Territory Government should learn from the implementation failures of the NTEPA's Waste Management Strategy for the Northern Territory 2015-2022). In ECNT's view, there are four principal reasons why this strategy has not delivered for the Territory:

1. It is insufficiently prescriptive;
2. It lacks transparent accountability mechanisms;
3. The community has not been involved in its development or implementation;
4. It is unfunded.

ECNT's overarching recommendation is that the Circular Economy Strategy must be prescriptive, accountable to the community, embed principles of participatory policy design and implementation, and be adequately funded by the Northern Territory Government if it is to be a success. The following recommendations are primarily designed to achieve this outcome.

ECNT would like to acknowledge the assistance of many members of our community in preparing this submission, but in particular we thank Diana Rickards, Greg Chapman, Brittany Hayward-Brown, the Australian Marine Conservation Society, Keep Top End Coasts Healthy, and Waste Free NT.

ECNT looks forward to working collaboratively with the Northern Territory Government as the Circular Economy Strategy is finalised and implemented.

1. Participatory policy design – the process is as important as the outcome

In ECNT's view, the process of developing and then implementing the Circular Economy Strategy will be as important as the strategy itself and provides a unique opportunity for capacity-building and co-learning on the part of government, industry and the community at large.

The reform process should thus embed principles of deliberative and participatory design,² by ensuring that key stakeholders and the public are meaningfully engaged throughout the development of the strategy. Similarly, the implementation of the strategy should enshrine participatory design principles (including through the establishment and operation of a Circular Economy Stakeholder Group). It is crucial that the Northern Territory Government take the public and its considerable interest and expertise in waste seriously.

In aid of this objective, ECNT suggests that the Northern Territory Government establish a Circular Economy Steering Group comprised of key stakeholders from Northern Territory Government departments, the waste industry, the environment sector, land councils, local government and other civil society organisations to guide the strategy development and implementation. This should be chaired by an independent person, appropriately resourced, and have strong and accountable governance processes.

2. The problem of plastics – the Circular Economy Strategy should not be used to greenwash the fossil fuel and plastics industry

Plastic pollution is rapidly worsening, spearheaded by the fossil fuel industry which is seeking to find alternative uses or “feedstocks” for its resources as the energy transition to renewables gathers pace. The world produces around 100 million tonnes of plastics annually, which is not just clogging landfill and threatening our marine ecosystems but is accelerating climate change. Plastic is extraordinarily persistent (lasting in the environment for 400 years or more) and at every stage of its lifecycle creates greenhouse gas emissions that are contributing to global warming. The Center for International Environmental Law concluded that by 2050, plastic production is estimated to be responsible for up to 13% of our planet’s total carbon budget.³ Further, plastics cannot be endlessly recycled and reused, and thus truly systemic changes are needed to solve the plastics crisis.⁴ As Greenpeace has stated:

“It is clear that plastics recycling cannot resolve the plastic pollution problem and is being used as a smokescreen to divert attention away from the systemic changes that are needed.”⁵

The only way to address the problem is to deploy upstream and downstream solutions simultaneously,⁶ including eliminating plastics production at the source.

ECNT is extremely concerned by Northern Territory Government plans to establish a petrochemicals and plastics plant at Middle Arm in Darwin Harbour using gas sources from the Beetaloo Basin and

² For example, see <https://www.anzsog.edu.au/resource-library/research/the-promise-of-co-design-for-public-policy>.

³ <https://www.ciel.org/issue/plastic-global-law-policy/>.

⁴ Dalberg Advisors, *Plastics: the costs to society, the environment and the economy* (2021), <https://www.wwf.org.au/news/blogs/the-true-cost-of-plastics#gs.hc7mwt>.

⁵ <https://www.greenpeace.org/usa/reports/the-climate-emergency-unpacked/>.

⁶ <https://www.pewtrusts.org/en/research-and-analysis/articles/2020/07/23/breaking-the-plastic-wave-top-findings>.

Barossa gas fields (among other sources). Life cycle emissions from the Beetaloo alone could increase Australia's emissions by up to 22%, scuppering the possibility of Australia meeting its Paris Agreement targets. A petrochemicals/plastics plant in Darwin Harbour will simply entrench the plastics industry and exacerbate the problem of climate change. It is not possible to embrace a true Circular Economy Strategy while simultaneously pursuing a plastics production industry in the Northern Territory. In ECNT's view, as currently drafted the Circular Economy Strategy could easily be utilised by the fossil fuel industry to "greenwash" its operations through claims of plastics circularity and recycling, while simultaneously contributing to the global problem of climate change. This would be deceptive and undermine the intent of the Circular Economy Strategy.

ECNT is concerned that the Draft Circular Economy Strategy does not mention climate change, or the relationship between plastics, waste and greenhouse gas emissions. ECNT believes that the Circular Economy Strategy should commit to the goal of a Plastic-Free Northern Territory, explain the nexus between climate change and waste, and explicitly commit to upstream and downstream strategies, targets and with the aim of eliminating plastic waste altogether in the Northern Territory and creating substitutes made from natural and genuinely compostable materials.⁷

3. Emphasise environmental, health and social benefits of a Circular Economy Strategy

ECNT is concerned by the repeated focus in the Draft Strategy on the characterisation of waste as primarily an economic "resource", including references to the "unrealised value" of waste, and the precedence given to industry bodies such as the Waste Recycling Industry of the Northern Territory in developing solutions. In ECNT's view, the fundamental problem of waste is environmental and social.

ECNT believes that the Circular Economy Strategy should explicitly set out the environmental, health and social objectives of a circular economy in the Northern Territory. Specifically, the strategy should state that a circular economy can regenerate natural systems and improve resilience, health and well-being, and tackle climate change, pollution and biodiversity loss. The Circular Economy Strategy should also specifically refer to the Sustainable Development Goals (for example, SDG12 on responsible consumption and production, SDG9 on industrial development and SDG13 on climate action).

4. Embed the universal policy goals of a Circular Economy Strategy

As indicated above, systemic change is required to solve the waste crisis, including upstream and downstream solutions. Currently, the draft strategy is weighted towards recycling, and emerging waste management issues. These are just a subset of broader circular economy principles and will result in a piecemeal and fragmented system that will not achieve true circularity.

ECNT encourages revision of the Circular Economy Strategy to explicitly incorporate policy goals in line with the Ellen McArthur Foundation's recommendations and say how these are to be addressed.⁸ These are paraphrased below:

⁷ See Phantm submission to the ACT Government's "Banning single use plastics" policy, attached.

⁸ <https://ellenmacarthurfoundation.org/universal-policy-goals/overview>.

1. Stimulate design for the circular economy to eliminate waste and pollution;
2. Manage resources to preserve value;
3. Make the economics work;
4. Invest in innovation, infrastructure and skills;
5. Collaborate for system change.

5. Amend Circular Economy Strategy to appropriately address waste management

As mentioned above, the NTEPA’s Waste Management Strategy for the Northern Territory 2015-2022 has been largely unsuccessful, and ECNT understands that it may not be renewed or revised (and indeed that the Circular Economy Strategy is intended to replace it). Nonetheless, it is important as part of the development of the Circular Economy Strategy for the Northern Territory Government to reflect on why it has largely failed, and whether the Circular Economy Strategy is sufficient to replace it.

ECNT is concerned that without significant amendment, there will be no Northern Territory strategy to deal with waste management. It is vital that the Circular Economy Strategy incorporate a strategy for the Northern Territory’s waste management as a whole (including landfill), including planning of water management and waste avoidance, minimisation and reuse, licensing and regulation of waste transport, storage, treatment resource recovery and disposal.⁹

6. Explicitly embed goals and targets for government procurement in the Circular Economy Strategy

The Northern Territory’s economy is primarily “government”, in that over a quarter of the Northern Territory’s economic output is “government and community services”, with sectors like “service industries” and “retail and wholesale trade” largely dependent on government spend. A considerable proportion of waste is generated by government activities (e.g. through construction, or health sector waste).

Thus, government procurement provides a remarkable opportunity to embed circular economy principles. This is mentioned in the Draft Circular Economy Strategy but could be far more explicit. The objectives of changes to government procurement processes should be clearly stated in the strategy (for example, to embed sustainable materials management to promote a system approach to reducing materials use, associated greenhouse gas emissions that contribute to climate change, and the other environmental impacts over the materials’ entire life cycle). Timeframes should be given for developing new procurement standards, and these reported against publicly. The Northern Territory Government should commit to developing a criteria and process for product designation in procurement, which is publicly available.

⁹ <https://www.awe.gov.au/environment/protection/waste/publications/national-waste-reports/2013/policies-andgovernance#:~:text=State%20and%20territory%20governments%20have,managing%20the%20impacts%20of%20waste.>

7. Introduce a waste levy

ECNT supports a waste rate charge increase that is comparable to other local Councils providing this increase prioritises source separation at the home, including in multi-unit dwellings and is accompanied by thorough, objective based waste education projects. ECNT also supports the introduction of fees for disposal of various types of household waste including general waste and bulky waste, referring to items such as furniture, gym equipment, and non-recoverable kitchen and building waste that has come from the household source. It is considered best practise in Australia to charge a fee and is a successful incentive to encourage source separation. ECNT strongly encourages increasing prices for commercial operators to dispose of waste as this will incentivise self-sorting and recycling as much as possible.

8. Bring the ban on single use plastics forward

This section of ECNT's submission is taken from the submission of the Australian Marine Conservation Society.

We are pleased to see the NT Government has included a phase-out of single-use plastics in the draft strategy, including plastic bags, plastic straws and stirrers, plastic cutlery, plastic bowls and plates, expanded polystyrene (EPS) consumer food containers, microbeads in personal health care products, EPS consumer goods packaging (loose fill and moulded), and helium balloons.

However, we are concerned that the proposed timeline is too late, and we urge the Northern Territory Government to implement a ban on single-use plastics by 2023. With more than half of all states and territories having implemented similar laws already, there are now alternatives on the market that can be utilised. Waiting until 2025 only allows more pollution to endanger wildlife.

In considering the plastics that should be phased out under such a policy, we also have the following recommendations.

Plastic bags

While single-use plastic bags below a thickness of 35 microns are now banned in most Australian states and territories, many retailers have simply moved to using thicker heavyweight plastic carry bags for single-use purposes - defeating the purpose of the legislation.

To address the gaps in current laws, we urge the government to implement the following changes:

- a ban on the use of all single-use plastic carry bags up to 70 microns thick (including degradable or biodegradable bags);
- regulations to ensure thicker plastic carry bags (>70 microns) may only be made available to consumers at cost or greater, to deter habitual use; and
- a requirement that all plastic carry bags must have a minimum 80% recycled content, increased to 100% recycled content when technically possible.

Helium balloons

Balloons are the biggest 'plastic' killer of Australian seabirds and one of the most lethal types of marine debris for ocean wildlife. We are pleased to see the NT Government has included helium balloons in the list of banned items.

In addition to banning the sale of helium balloons, we urge the government to also make a ban on deliberate release of balloons explicit under the legislation, removing confusion and putting an end to the dangerous practice of mass balloon releases.

Other plastics that should be included under the ban

We urge the government to also include the following priority plastics in proposed ban:

- Plastic cotton bud sticks
- Plastic fruit and vegetable barrier bags
- Plastic cups and lids
- Plastic lined coffee cups and lids
- Plastic takeaway containers

These are all priority plastics that are commonly found in ocean clean-up surveys and known to be dangerous to wildlife.

With other jurisdictions such as SA, QLD, WA and the ACT now moving into their second tranches of plastic items to be banned, it is critical that the NT also works to make its ban consistent with others. This will reduce confusion and prevent businesses from relocating plastic stock to the Northern Territory.

9. Enhance the specificity and accountability of the Circular Economy Strategy

ECNT acknowledges that the Draft Circular Economy Strategy contains some good detail, including time-bound objectives and specific initiatives. However, the strategy could be significantly improved by a greater level of prescription and thus accountability. Clear and measurable objectives ensure accurate and effective reporting against the implementation of the strategy. Suggestions include that the Circular Economy Strategy should:

- be specific about the legislation that must be either amended or introduced to achieve the objectives of the Circular Economy Strategy (and commit to dates for the introduction of this legislation). For example, ECNT notes that there is no mention of the core waste management legislation in the Northern Territory,¹⁰ its shortcomings, or required reforms. The Strategy should clearly commit to clear deliverables for legislative reform in the areas of waste levies, licensing requirements for waste facilities, offences for illegal dumping and littering, recycling and compliance and enforcement mechanisms.
- clearly specify progressive targets for recycling and diversion across all waste sectors, which must be reported against on an annual basis.

¹⁰ *Waste Management and Pollution Control Act.*

- explicitly incorporate the polluter pays principles as part of ecologically sustainable development, that is, those who generate pollution and waste should bear the costs for avoiding, reducing and managing waste.
- recognise that improvements in resource consumption and waste management will only occur if we continue to change the way we think and act. Thus, the Circular Economy Strategy must include an education and behaviour change element, including a commitment to funding for individual waste education projects (to organisations such as ECNT, WFNT, Tangaroa Blue Foundation, Sea Shepherd and other groups).
- explicitly commit to introducing industrial composting infrastructure in the Northern Territory, to avoid emissions-intensive food and green waste going to landfill. ECNT notes that little attention is given to green waste in the draft strategy, which must be remedied.
- explicitly commit to better regulation of “greenwashing” claims about plastics. Considerable confusion exists among consumers regarding the meaning of terms used by the recycling industry. Present regulatory frameworks in Australia do not assist or provide clarity for consumers. The Circular Economy Strategy, and enabling legislation, should clearly define key terms such as “compostable”, “biodegradable”, “bioplastics”¹¹, “bio-based” to ensure that labels are meaningful and enforceable. The Strategy should commit to introducing certification standards for products with these labels and make it an offence to market an item as performing in a particular manner unless certifications have been received. For example, the Northern Territory could legislate a requirement that all compostable alternatives meet the Australian commercial composting standard (AS 4736) or home composting standard (AS5810). This will prevent greenwashing and ensure products meet the strong quality requirements of Australian composting facilities.
- explicitly commit to better regulation of “greenwashing” claims about plastics recycling. For example, ECNT notes that chemical recycling or advanced recycling is a highly toxic process which involves the application of heat to breakdown the polymer into gases, with the product often refined into fuel due to the poor quality of the product, generating just as much GHG as the equivalent conventional fossil fuel.¹²
- An implementation schedule should be added to the Strategy, including regular reporting to the public, the Minister, and the Circular Economy Steering Group against key targets/objectives.

If you have any questions, please do not hesitate to contact Kirsty Howey on kirsty.howey@ecnt.org.

Yours faithfully,

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¹¹ See <https://e360.yale.edu/features/why-bioplastics-will-not-solve-the-worlds-plastics-problem#:~:text=Bioplastics%20are%20a%20'false%20solution,pollution%20problem%20is%20being%20solved..>

¹² <https://www.greenpeace.org/usa/reports/the-climate-emergency-unpacked/>.

