

SUBMISSION ON ‘A NATIONAL WASTE POLICY: MANAGING WASTE TO 2020’ (DEPT. OF ENVIRONMENT, WASTE HERITAGE AND THE ARTS (09)

This submission responds to the following key questions in the consultation paper entitled ‘A National Waste Policy: Managing Waste to 2020 (2009), which was produced by the Department of the Environment, Waste, Heritage and the Arts. Many other questions in the inquiry paper are also partly or wholly answered in these responses.

Q1. Are there opportunities to further coordinate, harmonize and streamline approaches to waste management across jurisdictions?

A. Yes. The combination of government working in cooperation with members of the Australian Council of Recyclers (ACOR), the Waste Management Association of Australia (WMAA) and other relevant communities to address the production sources of greenhouse gases listed in the National Greenhouse and Energy Reporting (NGER) Guidelines (Department of Climate Change 2008, p. 28) seems potentially to be a powerful leading source of more effective waste and emissions control. It also appears to be a potential source of triple bottom line accounting – environmental, social and economic – which is ideally necessary for production and consumption in the 21st century. In this context one assumes the role of the Environment Protection and Heritage Council of Australia would be to help establish, assess and report on the effectiveness of any related national environment protection measures which might be achieved as a result of the above collaborative directions, which are recommended in its related jurisdictions. This assumed development direction represents a ‘joined up government’ functional model based largely on information on websites identified in the current Department of Environment, Waste, Heritage and the Arts paper.

The ACOR has many powerful members in the manufacturing industry, who have a keen interest in effectively recycling their products. The WMAA represents 1000 members of large and small private sector businesses, state corporations, local governments and other individuals. The NGER Guidelines support the incoming Carbon Pollution Reduction Scheme (CPRS). Table 3.1 (p. 28) lists key greenhouse gas emissions sourced from different types of activities outlined according to Australian and New Zealand Standard Industrial Classification (ANZSIC) categories. This ideally provides government, the ACOR members, the WMAA members and all related regional communities with a central part of the forward direction for implementing the concept of ‘extended producer responsibility’ in a holistic and suitably assisted manner. There may be many other ways forward. Related directions suggested by the ACOR and the WMAA are discussed later.

According to the Senate Standing Committee on Environment, Communication and the Arts report entitled ‘Management of Australia’s Waste Streams (including consideration of the Drink Container Recycling Bill 2008)’ the Organization for Economic Co-operation and Development (OECD) defines ‘extended producer responsibility’ as:

1. The shifting of responsibility (physically and/or economically; fully or partially) upstream towards the producer and away from the municipalities; and
2. The provision of incentives to producers to take into account environmental considerations when designing their products. While other policy instruments tend to target a single point in the chain, extended produce responsibility seeks to integrate signals related to the environmental characteristics of products and production processes throughout the product chain.

The Total Environment Centre identifies the key elements of extended producer responsibility (EPR) as:

- A financial incentive or support system that encourages maximum collection for recycling and provides a sustainable support base
- Regulation to prevent 'free riders' from undercutting those that have EPR products; and
- Targets, transparency and monitoring

Such financial incentives and support systems are ideally provided by the CPRS and related government programs to improve the natural and social (education and employment) environment of regional communities, which are usually also centred on primary, manufacturing or service industries, national parks or other community amenities. However, increasing prescriptive regulation is unlikely to be the best way to achieve good economic results and related broader social and environmental aims, for red tape reasons, discussed later and in attachments. Agreement over the priorities and steps for change also appears to be more important than the numerical targets. Long debate over numerical targets is like long discussion about money, in the absence of a clear and flexible idea of the agreed directions for stable, low risk production to meet broadly and clearly identified environmental, social and economic goals. In the absence of clear and sensible project plans and development routes, endless numerical discussions about emissions targets and related money may be a comparative waste of time, used as an excuse for supporting the comparatively ignorant status quo, while doing little or nothing to improve the poorest situations which have been identified and which are ideally managed flexibly and competitively to achieve a stated range of improvements in stages. Open and clear management and accountability are vital in this context.

Many economists appear to believe the current international financial crisis is caused by lack of confidence in markets and related drying up of borrowing and lending. This suggests a strong belief in productive capacity, which is ideally represented and supported by money. A comparative lack of productive capacity is presumably signalled either by rapid currency inflation, unemployment or by rapid secondary financial market expansions which are unjustified in relation to the original project undertakings on which the secondary markets (e.g. re-insurance or related speculative deals) are based. The US government, for example, appears to think that printing money in the current financial crisis will be beneficial rather than lead to the plight of hyper-inflation which has previously plagued regimes taking a similar course, but with apparently less productive capacity to back it up. But is the US re-starting a range of Ponzi schemes to crash again?

In this international context, Australian debate should be about how productive capacity and related monetary support should be designed and directed over time to achieve a variety of broadly agreed social, environmental and economic goals as effectively as possible. Investors need to understand what is actually being done with their money. (Frankly, I haven't a clue about mine. All I know is UniSuper is losing a lot of it fast.)

The above directional debate is not one markets are capable of having alone, because market goals are purely financial and have historically been defined in law from the perspective of the individual or his related organization, on the incorrect assumption this serves everybody best in the long run. This early concept of a 'free' market was designed to support feudal behaviour. Financial law generally still supports the secretive pursuits of the individual and his clan, while usually denying expenses to outsiders, except in court. A later, more scientific and community friendly journey towards the 'perfect market', ideally depends on perfect information, which ideally informs all consumer choice. In this management paradigm, the product producers and consumers ideally pay to redress harm production causes. In this later paradigm, industry and governments ideally represent the interests of individuals and communities through superannuation, taxation and related management and investments which are designed to achieve clearly identified social and environmental goals competitively. Such scientific management assumes that improving results depends on openness, not secrecy. Under secretive regimes all inevitably become dumber. This problem of total financial ignorance forced the US government to step in and do 'stress tests' to encourage banks and others to trust in trading again. (But is there little point in gambling unless one manages for the casino?)

The Senate Committee report on managing the waste stream states that extended 'producer responsibility initiatives' serve as a 'polluter pays' system because a price of pollution is embedded in the supply chain. However, the producer may currently pass the cost of the product on to consumers or to others in many ways. For example, the US financial and insurance industry structure, apparently led by government, appeared to encourage US citizens with marginal incomes to borrow huge amounts of money to install themselves in free standing McMansions, which many builders may naturally encourage, because this is often the easiest and most profitable way for them to build. Everybody was naturally thrilled with these continuing developments, especially in the finance sector and its secondary risk hedging markets, before inevitable borrower defaults and related financial collapses. This course of action, in which growing risk was sold on to others internationally, represented a financial illusion which inevitably crashed, rather than a way to create affordable or greener housing. Construction is in the ANZSIC services categories not the manufacturing categories. Many producers may naturally drive the way production suits the immediate forces best and the current plight of the US car industry suggests this is often not very farsighted. The finance and insurance service categories naturally support many producers and have been driving them in the wrong direction for gaining more effective reduction of greenhouse gases and related urban or rural waste.

A better direction must now be defined and led by government partnerships with industry and communities. This is clearly recognized by the ACOR members, which have demonstrated continuing interest in waste management since its establishment in 1983, before the United Nations (UN) Rio Declaration on Environment of 1992. The ACOR is

a key manufacturing and services body with member organizations which appear to have a strong interest in partnering many waste reduction processes effectively, to make more money for its members' stockholders. Its many powerful members produce aluminium, cardboard, computers, construction and demolition material, electronics, ferrous and non-ferrous metals, glass, paper, newsprint, plastics (HDPE, LDPE, LLDPE, PET, PVC), mercury, tyres and white goods. The ACOR mission and business activity is to encourage governments, industry and the community to take actions to promote resource recovery, recycling and to optimise profitable recovery and recycling of secondary materials.

At least on paper, the WMAA members appear to be the natural partners of the ACOR members. It provides a peak national forum which ideally enables the waste management industry to respond to the demands for integrated resource management. Its members from large and small business, state corporations, local governments and other places are divided into national divisions with the following special interests:

- Landfill
- Construction and demolition
- Biohazard (clinical) waste
- Energy and waste
- Compost Australia
- Carbon Committee
- Waste education

Consideration of the waste hierarchy (i.e. product avoidance, reuse, recovery, recycling/reprocessing and disposal) is ideally undertaken in related government, industry and community contexts which identify and implement projects to reduce waste and the risks it poses (including those risks posed by its reduction) to the environment and/or social wellbeing. For example, producing greener jobs requires new education and training which is ideally paid for in a way which assists Australian competitive potential and related employment rather than undermining it. My experience, including living in a townhouse block, is that the world is full of men trained to prefer brown to green operation and that many would naturally rather expand than lose their current work, which is understandable. They also have ways of trying to ensure it. Traditionally government has supported production and development with regulation and taxpayer subsidies which now contribute to making it even harder for greener development to compete unless the expenditure can be written off in related tax schemes. Turning green is difficult for many reasons. This is doubly distressing in cases where it seems obvious that production and services methods which are effectively organized to be greener should be much cheaper and better for all in a comparatively short long run. More research may not be needed.

My experience is that if all waited for the supposedly right channels, whatever they are supposed to be to lead, we would have died out long ago. In my view, the best way for the ACOR or the WMAA members or their related organizations is probably to surge forward trumpeting loudly what they intend to do, exactly how it is in the public interest and how others should join in their direction, as clearly as possible. One assumes the representatives of the Environment Protection and Heritage Council of Australia and other

politicians will try to help them openly, so all may see and comment and that the Department of Environment, Waste, Heritage and the Arts will also provide support.

For all I know, going through the management channels of ACOR, WMAA, or those of the NEPC to achieve environmental or social objectives may work well, but my guess is that leadership drive to get things done will naturally come from powerful members – like big manufacturers and councils working in the open, with the help of relevant ministers and their departments. My advice, based on working in universities and public service departments, is to avoid the latter gaining control of emerging operations because public servants are historically likely to favour prescriptive legal or related unhelpfully bureaucratic approaches, which may generate a lot of dysfunctional red tape, as distinct from clear and useful performance indicators. The justification for action is ideally in its clarity and openness, as distinct from its secrecy. Secrecy may lead to clan corruption.

The ACOR states that its members currently re-process and recycle almost 13 million tonnes of material annually and that the recycling of just three materials – concrete, ferrous metals and paper/cardboard currently accounts for 90% of all recycling activity in Australia. The ACOR response to the CPRS Green Paper states ACOR wants to see complementary mechanisms developed that reward the recovery of embodied energy and avoid land filling of degradable organic carbon wastes after the point of disposal. The ACOR states the federal government needs to lead state governments (through the Environment Protection and Heritage Council (EPHC) framework which should also provide a comprehensive set of incentives to deter land filling of degradable organic carbon which in time becomes methane – a potent greenhouse gas. The ACOR states that banning degradable organic carbon to land fill now will provide future generations with the infrastructure to avoid their greenhouse emissions. It also supports setting minimum product end-of-life management standards that take care of hazardous materials and compels the direction of high-embodied energy materials towards re-use. (Just do it?)

Sustainable Sydney 2030 commits the City to investigating an integrated waste management strategy with other Inner Sydney Councils, which may include establishing an Alternative Waste Technology (AWT) facility as an alternative to the current practice of using landfill for disposal. AWT facilities have the potential to recover 80% or more of recyclable materials and have the potential to generate energy through the capture of methane. This would help the City meet both its waste diversion targets and support the Green Transformers initiative, according to the Lord Mayor. Proposals for AWT facilities ideally include investigation and consideration of the current methods of disposal of all human and animal body wastes, in order to improve their treatment. In a medical context, the prevention of overpopulation and the disposal of human bodies and their wastes are the raw material of many potential scientific and democratic revolutions. The Australian Organ and Tissue Donation and Transplantation Authority Act commenced in 2009. Its aims and requirements need close examination in this context in order to develop an understanding of how the health aims of everybody may be achieved most effectively and fairly. Ideally, the elderly have a right to make their own informed decisions about death.

In an article entitled 'Keep politics out of emissions solution' in the Australian Financial Review, Greig Gailey, the President of the Business Council of Australia, states in regard to the CPRS that:

There are substantial benefits in the government and opposition working together to resolve the outstanding matters and ensuring the scheme does not include the risk of reducing the competitiveness of Australia's industries, deferral of investment or business closures, and employment losses in the early years.

Business and the community want an emissions trading scheme that contributes to the reduction of global greenhouse emissions in a manner that does not cause unnecessary disruptions.

This means avoiding last-minute parliamentary deals, made in the early hours of the morning, made with no time to consider the policy and implementation implications of the compromise, made simply to get the numbers.

A successful Australian CPRS will provide an example to many other nations. To provide that example, we must find the right economics, and we must find it together (AFR, 5.5.09, p. 63).

The 'right economics' requires that the finance and insurance sector is designed to serve greener and more affordable production, rather than increasing its returns by expanding and offloading production risks onto as many other communities as possible until the crash. The most effective way forward to achieve waste reduction and greener development may be through generally improved management to achieve these aims through the related management of industry superannuation and others funds. The former funds are designed as non profit, cost-cutting vehicles which ideally can outperform the opposition and produce a greener society through more open, stable, well designed investments to achieve government, industry and community goals. Such investments are ideally also planned openly and coordinated with other government, industry or community programs to achieve other social and environmental goals through triple bottom line accounting. Cut many dysfunctional feudal costs, to make investment even more attractive. (Actually, my UniSuper funds are going backwards fast. As I am retired should I prefer the bank? All correspondence gratefully entered into.)

In the above context of a suggested waste management direction ideally led by government, the members of ACOR, the WMAA, the EPHC and others, which also addresses the action priorities around key polluting products listed in the NGER Guidelines prior to the incoming CPRS (p. 28), the following may also require consideration to achieve many environmental, social and economic goals related to waste:

- The Productivity Commission (PC 2006) Report on the Inquiry into Waste Generation and Resource Efficiency in Australia and the Government Response.

- The Senate Standing Committee on Environment, Communication and the Arts report entitled ‘Management of Australia’s Waste Streams (including consideration of the Drink Container Recycling Bill 2008)’
- The current program of the Environment Protection and Heritage Council of Australia. (From a superficial reading of its website, the Council appears to require many broader, more effectively prioritized and openly applied directions, to maximise the benefits of the practical and competitive application of the CPRS and related regional management to gain more sustainable production, from many more broadly related environmental, social and economic perspectives.)

In the above context the PC issues paper, ‘Contribution of the Not for Profit Sector’ also requires consideration. PC terms of reference include examination of ‘recent changes in the relationships between government, business and community organizations and whether there is scope to enhance these relationships so as to improve outcomes delivered by the (not for profit) sector’. The PC is also expected to inquire into how to ‘optimise the (not for profit) sector’s contribution’. It seems from Table 2 entitled ‘Activities usually included within the not for profit sector’ (PC 2009, p. 10), that such activities are ideally embedded most effectively with ANZSIC service categories, such as health and community services. On the other hand, the current National Waste Policy paper of the Department of the Environment, Waste, Heritage and the Arts, also suggests opportunities for new activities related to the product development chain, which involve recycling, and which are related mainly to relevant ANZSIC manufacturing or primary industries.

The attached submission argues many not for profit sector financial management structures require clarification designed to support the G20 London Summit Leaders Statement and Declaration on Strengthening the Financial Systems (2.4.09) as fast, effectively and flexibly as possible. The CPRS and related offset developments require close attention for effective implementation in this new international economic context. Non profit funding sources and related activities designed to improve health and community services and manufacturing or primary sector production may then be designed to support regional communities and environments better. Many government and profit driven or non profit driven strategies may be identified and prioritized to assist carbon pollution reduction and related environment improvement and social service. Initiatives may include steps to protect or restore the quality of air, land, water and their biodiversity. The general aim is ideally to identify, fund and implement projects competitively to achieve sustainable development and the goals of triple bottom line accounting globally and locally. Let project managers be openly accountable to all. (Just like politicians?)

Q2. Are the categorizations, definitions and standards used to manage waste between and within the different levels of government effective and appropriate?

I have no idea what all the above are. However, the answer below also responds to

Q3. It asks whether the current waste management frameworks deliver an effective regulatory framework across jurisdictions and can meet related goals.

It is likely that many current categorizations, definitions, standards and related requirements used to manage waste are largely unknown, outdated, inconsistent with each other or not relevant for particular circumstances. The attached submission to the Victorian Competition and Efficiency Commission inquiry into the type of environmental regulation with the highest regulatory burden, applies also in regard to the subject of waste management. It argues the aims, key definitions and basic requirements of relevant legislation or other standards should be openly available (e.g. on websites) and flexibly applied and evaluated in relevant regional industry and community contexts to obtain the best balance of outcomes, rather than being driven prescriptively in their own right. To do otherwise is bureaucratic madness because the Commission points out that the broad reach and complexity of Victoria's framework of environmental regulation alone, indicates 43 environmental acts and over 9000 pages of related legislation (2009 p. 37). This cannot be rationally addressed in isolation from the related geographic, industry and community contexts in which it is ideally applied as openly, flexibly and scientifically as possible, along with other standards relevant to the situation, to achieve all key goals, which ideally are economic, social and environmental, more broadly and competitively.

However, in regard to planning, the following geographic, industry and community classification frameworks appear to be vital starting points for related data gathering because they are based on key international and national categorization systems which can assist all production and related quality of life everywhere through assisting continuing measurement which also aims to bring about improvements:

Interim Biogeographic Regionalization of Australia (IBRA): During the 1960's the Australian national reserve system began to be based on the biodiversity related principles of comprehensiveness, adequateness and representativeness (CAR). These international scientific principles are directly related to the development of the IBRA system which divides Australia into 85 distinct biogeographic regions and 403 sub-regions. IBRA provides a scientific land planning framework and tool to aid development proposal evaluation and the realization of the CAR principles in related national and regional planning for more sustainable development.

The Australian and New Zealand Standard Industrial Classification (ANZSIC): ANZSIC classifications should be incorporated into all industry management and related scientific practices unless there appears to be good reason to do otherwise. PC reports have supported this industry development direction which is also necessary for transparency and cost reduction, as well as for all related scientific management. Many legal and financial interests appear naturally hostile to this as it inhibits their capacity to profit by making up their own confusing and controlling discourses as they go along in any way they choose, whenever diverting from their practice of secrecy. Common dictionary definitions are preferred, which is a new idea for lawyers and the court.

Definitions of Community: The United Nations (UN) and its key agencies, the World Health Organization (WHO), the International Labor Organization (ILO) and the UN Education, Scientific and Cultural Organization (UNESCO) define a community as:

- a. a group of people with common interests who interact with each other on a regular basis; and/or

- b. a geographical, social or government administrative unit

The types of categorization outlined above ideally create a regional and organizational planning framework in which all social, environmental and economic goals may be more rationally and openly pursued and their processes and outcomes compared through the balanced application of clear legislative aims, consistent plain English definitions, and the related evaluation of regional and organizational practices and outcomes.

Q.4: In the 1992 National Strategy for Ecologically Sustainable Development, COAG endorsed the strategies and objectives for a national approach to waste management (Appendix A). Looking ahead to the next decade, how could these strategies and objectives be updated to provide the basis for a national waste policy that responds to current and future challenges and opportunities?

The strategies need to be reformed in the light of the current government, industry and community direction outlined above and which is most immediately reflected in the NGER Guidelines which support the CPRS and the related government, ACOR, WMAA, EPHC and other community directions. A national strategy is ideally also designed in the light of the Declaration on Strengthening the Financial System, by Leaders of G20 nations, including the Australian Prime Minister (PM), in London on 2.4.09. This direction is ideally also coordinated with strategies to achieve community health and human rights. Such a joined up government approach is likely to be most cost-effective for Australian communities and also meets the first principle of the UN Declaration on Environment adopted in 1992 which is that human beings are at the centre of concern for sustainable development and are entitled to a healthy and productive life in harmony with nature.

At the 1994 Asia Pacific Economic Cooperation (APEC) summit, national leaders agreed to create an Asia-Pacific free trade zone by 2020, and supported protection of health and the natural environment. Because of its broad development potential and strong focus on improving the plight of the poor, who are also those who are usually most disadvantaged in most other ways, the implementation of the Declaration of Alma-Ata from the World Health Organization (WHO) International Conference on Primary Health Care in 1978 needs special attention. Such implementation must be designed to reach the widest possible range of communities and also assist them to reform their environments. The appropriate forward direction is discussed in the attached response to the National Health and Hospital Reform Commission (NHHRC) report and in the related attached submission to the PC paper entitled 'Contribution of the Not for Profit Sector' which was referred to earlier. The recommended route is also necessary for freer international markets and attaining the Millennium Development goals. (I know nothing about what is currently done with clinical waste or what the opportunities are. It appears to be a huge and important field of medical and related scientific opportunity. Discuss it with China.)

Q.8 There are a number of approaches to product stewardship operating in Australia.....What models might work in Australia?.....Q. 15: What, if any changes are needed to the way e-waste is managed?

As somebody who has worked and taught in areas related to occupational health and safety I know a bit about the general hazards of production and how they may be controlled, at least in broad theory. However, I have little idea where waste goes or how it is treated, especially the more hazardous kind. This is somewhat ironic, as around last Christmas, the plumbers repairing a drain on the property of one of the 18 townhouses where I live, discovered \$14,000 worth of asbestos to be removed (with no approved signature from any designated expert to guarantee that asbestos was present). In January the lights along a pathway went out and the electricians called in to fix them claimed that plumbers who did nearby work six years ago did it poorly, and that it had to be ripped out. At the same time, lawyer associates of the Institute of Strata Title Management thoughtfully suggested to the Institute that body corporate members appear to be controllers of premises and so should carry out a range of work, starting with inspections of properties for asbestos, and to fix other potential problems for workers. As I pointed out to members of our body corporate, I have never felt more out of control of any premises in my life. I would say the electricity black-out which occurred uniquely in my house proves it, but I much prefer to think that I'm just an anxious, wrong and stupid old woman, like all the others here.

My activities as a householder are generally confined to wondering why a crucial few of our unit holders hate recycling and why there are so many different rubbish collectors operating in our street, who have nothing to do with the City of Sydney Council. I also wonder why the Council sets up special e-waste return opportunities occasionally on week-ends when this exercise is so obviously expensive of manpower and so comparatively unlikely to be used. To attend one of these apparently overmanned weekend dumps one needs a car and the will to use it. People dump their e-waste and anything else they feel like anywhere and anytime they feel like in our neck of the woods. The fact that three local politicians put out flyers about waste and other green issues practically every week appears to make little difference. It is like telling me about sport in that the details do not appear to reach the level even of going in one ear and out the other. As I pick up rubbish off the sand on my walks along the Glebe foreshore I wonder why the Council rubbish collectors dealing with the park seem never to step onto the beach. As I fight the people on the body corporate and in the construction industry who want to rip out our beautiful trees I wonder what to do with all the bloody leaves they hate so much.

In short, although the educational battle should never cease, as a householder I feel I am an increasingly anxious victim of it. The approach to dealing with waste which depends primarily on the individual householder avoiding, reusing, recovering, and driving the recycling of waste is doomed to failure because it is far too weak. The National Waste Policy paper points out that from 2002-03 to 2006-07, municipal waste increased by 34% and that if this trend continues Australia may have a municipal waste stream of up to 22.4 million tonnes in 2020 (p. 28). The government which acts with willing producers on behalf of the community, which also comprises all individual consumers, can achieve much more of behalf of all than the individual consumer ever can, especially for future generations. Non profit funding structures, such as industry superannuation funds as well as government and other funds may help achieve nationally or regionally agreed social and environmental goals by being able to provide related and clearer, more stable and cost-effective investment opportunities more broadly than has traditionally been the case.

Most Australians know the current environmental and economic context is such that old production methods must change for the future survival of any life but the hardiest. One hopes, however, that this directional change will not be left until too late, as is possible, for example, in the current case of US auto makers. They may undertake production change successfully, or lose to those making cheaper or greener cars, or assist the rebirth of the same financial drivers which recently collapsed in housing first. Saviano's 'Gomorra, Italy's Other Mafia' provides a convincing and depressing account of the increasing integration of many feudal clan structures into international capitalism. He describes Southern Italy as being awash with toxic waste because a wide and faraway range of manufacturers have paid the dumpers. His book provides an account of a likely future surrounding many global ports where changing clans may operate many transport, construction and other businesses, often supported by local political or related 'public service' interests. Even the tourist using railways or visiting museums gets to guess the way the system works for the little people. Wherever we live, however, I'm sure we all perfectly understand the value of education and the related value of being blind and dumb. For many, inside a silo is probably by far the personal best way to the top. If anything outside is ever recognised it must be dealt with. We all know that's the way it goes. Openness, not secrecy, and clear accountability are vital for a reasonable future.

Thank you for the opportunity to make this submission.

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