



Western Australia

Recycling Revitalisation Initiative Bill 2021

Explanatory Memorandum

Domestic and commercial waste are among the least recycled materials in WA, with municipal waste accounting for only 465,100 tonnes of all recycled waste as opposed to the 1,536,600 tonnes of construction waste recycled in the same year. Moreover, all recycling facilities are centred around the Perth and Peel regions, forcing the transport of waste over unnecessarily long distances.

Granted, steps have been taken in the past to accommodate for larger quantities of recycling such as the construction of the Cleanaway South Guildford Recycling Centre, which had the capacity to store 250,000 tonnes of waste and was the largest recycling facility in the Southern Hemisphere. However, this facility was just one of three functioning recycling centres that could actually process waste; and when the \$20 million project burst into flames in 2019, the waste from 20 local governments was forced to be diverted to landfill as Perth's recycling capacity could not accommodate for such large quantities of waste.

The State Government's reliance on private enterprises to provide households the means to store waste has proven to be disastrous on too many counts. As opposed to this, many European countries have adopted successful government-led systems, of which have made them the best in the world for recycling. Out of the ten leading countries in the world for recycling, seven of them are European. Germany is the current world leader in recycling, implementing a multi-bin scheme with the Der Grüne Punkt system, of which pushes businesses to provide a means for packaging to be recycled.



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Western Australia

A Bill for —

**An Act to improve accessibility, feasibility and management of recycling in
Western Australia**

Part 1 — Preliminary

1. Short title

This Bill may be cited as the *Recycling Revitalisation Initiative Bill 2021*.

2. Short title

This Bill commences on the day on which this Act receives Royal Assent.

3. Short title

In this Bill, unless the contrary intention appears —

“**Accessible**” in terms of recycling facilities, means to be within 100-150 kilometres of any household;

“**Authorised Body**” means an institution with a satisfactory degree of expertise in the area for which it has administrative responsibility, which has received the approval of this Parliament to execute those functions allocated to it;

“**Distribution Facility**” means any functioning recycling facility that has no means of processing its own waste, instead transporting their waste to other recycling facilities for processing there;

“Household(s)” means any residence that produces waste;

“Local Government Areas” means any locality that is led by a government body or council;

“Recycling Facility” means any plant that is able to process a range of recyclable waste products autonomously;

“Regional Areas” means any area or region outside of the Perth and Peel metropolitan areas;

“Reasonable Timeliness” means the necessary period of temporary inactivity of facilities in the time period during which they would be upgraded is sufficiently short to allow the recycling market to continue operating with a satisfactory level of efficiency in the medium-term;

“Secondary Packaging” means any packaging that holds the product made by manufacturers or distributors arriving at the private consumer for discard and consumption of the product;

“Transport Packaging” means any packaging applied in the transport of a good to the final consumer;

“Vacant (Unused) Land” means any land that was previously cleared and no further development was pursued;

“Waste Authority of Western Australia” means the statutory authority providing independent advice to the Minister for Environment on matters relating to waste management and recycling;

Part 2 – Infrastructure

Division 1 — Automation

4. Alteration of Recycling Methods

Where technically possible and economically reasonable, in the establishment of new recycling plants, material recycling facilities must be preferred to mechanical-biological treatment plants.

5. Application to Existing Recycling Plants

- (1) Existing mechanical-biological treatment plants will be inspected by an authorised body, which will make an assessment of their ability to be converted with reasonable efficiency and reasonable timeliness into material recycling facilities.
- (2) Existing mechanical-biological treatment plants will continue to operate until such a time as sufficient material recycling facilities, in accordance with Division 1, are established to meet the level of recycling demand. At such a time as sufficient material recycling facilities are established to meet the level of recycling demand, existing mechanical-biological treatment plants will be wound down over a given time period, to be determined upon inspection by an authorised body at this future point in time.

6. Future Considerations

If future technological advances allow for the development of more efficient recycling methods than that which is embodied in material recycling facilities, then these are applicable to replace or work in conjunction with mechanical-biological treatment facilities.

7. Greater Incorporation of Technology

- (1) Funds shall be set aside by this Parliament for the purpose of increasing the level of automation within the recycling facilities of this State.
- (2) Periodic inspections shall be undertaken by an authorised body to monitor the use of these funds to ensure their appropriate application.

8. Allocation of Funds for Research and Development

Funds shall be allocated by this Parliament for the purpose of further research into and development of recycling technologies which may improve the efficiency of recycling.

9. Allocation of Funds for Retraining and Upskilling of Displaced Workers

- (1) Additional funds shall be allocated by this Parliament for the purpose of retraining and upskilling those workers adversely affected by increased levels of automation within the recycling industry which come about as a result of this Bill.
- (2) A sufficient variety of retraining and upskilling opportunities shall be hereby provided such that displaced workers are afforded a reasonable amount of discretion in choosing which of these opportunities they undertake.
- (3) Either for a period of five months after being displaced or until new employment can be found, whichever comes first, affected workers shall receive reimbursement for an amount to be determined by this Parliament.

Division 2 — Redistribution

10. Obligation to Establish Local Recycling Facilities in Regional Western Australia

- (1) Local government areas will be required to establish functional public recycling facilities in all non-metropolitan regions.
- (2) There will be at least one recycling facility every 2000km². Should there be a disagreement between the State Government and local government areas —
 - (a) The State Government will investigate the point of contention, from which a mutual agreement will be formed.
 - (b) Local government areas can apply for more than one facility every 2000km², but the applicant must go through a registration process that will be provided by the State Government.
- (3) Each recycling facility must have the ability to—
 - (a) Collect recyclable waste.
 - (b) Accommodate for at least 30,000 tonnes of recyclable material.
 - (c) Be accessible as near as practicable to everyone within its respective local government areas.
 - (d) Recycle the following domestic materials at a minimum—
 - (i.) Paper.
 - (ii.) Glass.
 - (iii.) Cardboard.
 - (iv.) Aluminium
- (4) It is illegal to destroy major ecosystems to construct facilities. This destruction will be met with charges depending on the extent of damages.
- (5) It is illegal to damage the cultural and sacred sites to First Nation peoples to construct new recycling facilities. Any damage caused to such sites to build new recycling facilities will be met with charges depending on the extent of damages. The extent of the charges will be decided upon in concurrence with First Nation elders.

11. Obligation to Establish Local Recycling Facilities in Metropolitan Western Australia

- (1) Local government areas will be required to establish recycling facilities that process recycled waste properly in all regions. This can be done by—
 - (a) Upgrading current distribution facilities to be able to process waste.
 - (b) Constructing new facilities on vacant unused land.
- (2) The processes outlined in Clause 11(1)(a) is preferred and encouraged, whereas Clause 11(1)(b) should only be followed if there are no other possibilities.
- (3) Each facility must abide by the same obligations as regional facilities as outlined in Clauses 10(3), 10(4) and 10(5).
- (4) Any facility can be responsible for the waste of a maximum of 10 councils.
- (5) Distribution recycling facilities will only be permitted for overflow in recycling waste. Once total waste in overflow distribution facilities reaches or exceeds 50,000 tonnes-
 - (a) The waste must be transported to a facility that can process the waste, or:
 - (b) The distribution facility must be upgraded to process the waste on its own.
- (6) Current private recycling centres will be permitted to continue as before under the following conditions—
 - (a) All facilities must be able to recycle their own collection of domestic waste.
 - (b) All facilities must work with the State Government to ensure that all waste is being recycled and that facilities are technologically advanced enough to sort and process waste.

12. Obligation of the State Government to Fund Distribution of Recycling Facilities

- (1) The State Government must use existing funding for—
 - (a) Landfill and recycling reforms as a priority to local government areas.
 - (b) Construction of recycling facilities.
- (2) The State Government must maintain that recycling within local government areas is a priority of the government, not a responsibility reserved for private enterprises.

13. Obligation of the State Government to Ensure Progress of Recycling Facilities

- (1) The State Government will perform audits across all facilities biannually to ensure that all operations are running well and improvements are being made.
- (2) In these audits, the State Government will collect data on each facility detailing—
 - (a) Efficiency.
 - (b) Quantity of waste received.
 - (c) Quantity of waste processed.
 - (d) Employment rates.
- (3) As a result of these audits, the State Government may—
 - (a) Provide reports as a result of these audits, and/or;
 - (b) Direct local government areas on the right course of action to achieve higher recycling rates.
- (4) The State Government may also audit public and private facilities that employ the Four Bin System as outlined in Part 4 to ensure that—
 - (a) As many aspects of society are contributing to a sustainable future.
 - (b) The bins are being used properly.
 - (c) Any points of contention between the above sectors and the State Government are resolved effectively.

14. Obligation of the State Government to Fund New Recycling Facilities

- (1) Local government areas can obtain funds from the State Government in order to construct or upgrade new recycling facilities using funds from past landfill levies.
- (2) The State Government must only issue a recycling levy when—
 - (a) These funds have been exhausted.
 - (b) All other means of funding have been exhausted.
- (3) All funding received from the recycling levy must be spent where appropriate specifically on—
 - (a) Building facilities state-run facilities.
 - (b) Upgrading facilities.
 - (c) Issuing grants to local government areas to build facilities.
 - (d) Transport of waste between residencies and facilities.
 - (e) Employment.

15. Obligation of the State Government to Provide People with an Adequate Means of Sorting Waste in Public Spaces.

The Four Bin System as outlined in Part 4 of the bill will be implemented at any public or private facility.

16. Distribution of Waste within Western Australia and Abroad

Recycling facilities may transport waste to neighbouring facilities only if —

- (a) Facilities are unable to process a given amount of waste due to an unexpected influx of waste.
- (b) Machinery has broken down and maintenance is slowing processing rates.

Part 3 – Dual Waste Management System

Division 1 — Obligation to Recover and Recycle All Product Packaging

17. Obligation to recycle

All collected packaging materials shall be reused or recycled far as is technically possible and economically reasonable.

18. Option of entry into the Dual Waste Management System

Manufacturers and distributors of sales packaging, sales packaging of pollutant-containing products, secondary packaging, transport packaging may pay into the dual waste management system established in Part 3, Division 2 to meet their legal requirements under this bill.

19. Obligation to Accept Returned Transport Packaging

Manufacturers and distributors shall accept returned transport packaging after use. In the context of repeated deliveries, such acceptance may take place at one of the next deliveries.

20. Obligation to Accept Returned Secondary Packaging

- (1) Distributors providing goods in secondary packaging shall be obligated to remove such secondary packaging upon delivery of the goods to the final consumer or to give the final consumer the opportunity to remove and return the secondary packaging free of charge at the point of sale, or on the premises of the point of sale.
- (2) The distributor shall be obligated to provide at the point of sale, or on the premises of the point-of-sale, suitable collection containers to accommodate the secondary packaging which are clearly visible and easily accessible to the final consumer.

21. Obligation to Ensure the Collection of Sales Packaging Arising at the Private Consumer on a Full-Coverage Basis

Manufacturers and distributors who put sales packaging filled with product arriving at the private consumer into circulation are obligated to set up adequate sector-specific collection structures ensuring regular free of charge collection of packaging which have been provided by the manufacturers and distributors.

22. Obligation to Accept the Returned Sales Packaging Not Arising at the Private Final Consumer

Final distributors of sales packaging not arising at the private final consumer shall be obligated to accept free of charge, used and emptied sales packaging returned by the final consumer at or in the immediate vicinity of the place of actual transfer.

23. Obligation to Accept Returned Sales Packaging of Pollutant Containing Products

Manufacturers and distributors of sales packaging of pollutant-containing products shall be obligated to take suitable measures to ensure that used and emptied packaging can be returned by the final consumer free of charge within a reasonable distance.

24. Obligation of Compliance for Sales Packaging put into Circulation

By 1st June each year, all actors putting sales packaging into circulation shall be obligated to submit a declaration of compliance audited by an accountant, tax consultant or registered auditor for all sales packaging they have filled with product and put into circulation in the financial year. The declaration must contain —

- (a) The type of material and mass of sales packaging; and
- (b) Participation in compliance schemes; and
- (c) Participation in recovery of packaging independently or through the dual waste management system established in Part 3, Division 2

Division 2 — Establishment of Dual Waste Management System

25. Establishment of Dual Waste Management System

A secondary system of waste management and recovery shall be established to work in co-operation with existing waste collection systems within local shires, cities and towns for the collection, recovery and recycling of participating manufacturers and distributors sales packaging.

26. Purpose of Dual Waste Management System

- (1) This system will function on an opt-in basis for manufacturers and distributors to meet their legal requirements regarding the collection and recycling of sales packaging established in Part 3, Clauses 22-24 who do not wish to independently collect and recycle such sales.
- (2) This system will collect all sales packaging produced by participating manufacturers and distributors from private consumer's households to occur concurrently with regularly scheduled local government waste collection.
- (3) Collected packaging will be transported to local recycling facilities for recycling to occur.

27. Opt-In Process and Fees

This process will require manufacturers and distributors wishing to the services of the Dual Waste Management system to—

- (a) Pay a one-time participation fee of \$3000; and
- (b) Pay an ongoing, yearly fee due on 1st June based on calculations established in clause 10.

28. Yearly Fee Calculations for Manufacturers and Distributors

The yearly fee for this system shall be calculated based on the types of packaging collected, and the amount of said packaging collected, the rates of which are to be decided at current market pricing.

29. Collection of Information for Yearly Fee Calculations

All manufacturers and distributors participating in this system will be required to submit what types of sales packaging they have produced and the amount of each type of sales packaging they have produced by 1st June each year audited by a registered auditor to calculate yearly fees due.

30. Purpose of Fee Collection

All fees collected under clauses 27-28 shall be used to fund this system specifically utilized for but not limited to –

- (a) Wages for waste collection employees; and
- (b) Purchasing of relevant waste collection vehicles; and
- (c) Any further fees required for the operation of the system

31. Operation of Dual Waste Management System

- (1) This system will operate with local cities, shires and towns existing waste collection procedures to collect packaging that falls under the authority of this system.
- (2) Sales packaging falling under this system shall serve as an additional type of waste to be collected in the same vein as recycling, organic material etc.
- (3) It shall be distinguished from other types of waste through being placed in green bins, established under the new bin system in Part 4.
- (4) Sales packaging collected from green bins will be recycled at the nearest recycling facility.

32. Separation of Waste Under the Dual Waste Management System from Other Household Waste

Sales packaging that is covered under this system will be distinguishable from other packaging to the private consumer through the inclusion of a logo emblazoned on all participating manufacturers and distributors sales packaging.

33. Responsibilities of the Private Consumer

- (1) The private consumer must separate sales packaging emblazoned with the logo specified under clause 32 from other household waste, and place this packaging into household green bins.
- (2) Such packaging must be cleaned with water prior to being discarded into said green bins.

34. Penalties for Manufacturers and Distributors Participating in the Dual Waste Management System

If it has been found that manufacturers and distributors have lied, defrauded or otherwise deceived relevant auditors in regard to the amount of and type of sales packaging they have produced, they will be subject to a punishment commensurate to the criminality of the offense.

Part 4 – New Bin System

Division 1 — Implementation of the New Bin System

35. Establishment of the Four Bins System

A four bins system shall be established that will be implemented out by local government areas. These new bins will be as follows —

- (a) A green bin to be used for the collection of Dual Waste Management System packaging.
- (b) A purple bin to be used for the collection of food scraps, garden clippings and other forms of biodegradable organic waste.
- (c) A yellow bin to be used for the collection of recycling of glass, paper, cardboard, hard plastics and metals
- (d) A red bin to be used for the collection of general waste, which includes all waste not provided for under this clause

36. Responsibility of the implementation of the Four Bins

The implementation of the four bins is the responsibility of individual local governments and will be completed by local governments within the next 5 years.

37. Regional Local Government Collection Points

Regional local government areas have the ability to arrange collection points, if they deem fit for large scale waste deposits.

38. Obligation for Access to the Four Bins in Private and Public spaces

Under the requirements of Part 2, it is required that all businesses and public spaces are required to have adequate access to all four bins. Local governments are required to provide all private and public spaces with access to the four bins.

39. Requirement for a Public Information Campaign

Local government areas are required to introduce a public information campaign to, which will be done in conjunction with the Waste Authority of Western Australia, inform their residents of the different four bins and what waste is separated into the bins.

40. Obligation for Households with Respect to Bins

Households are required to separate waste materials into their respective allocated bins.

Division 2 — Management of the Four Bin System

41. Management of the Four Bin System

The four bins system will be implemented and operated by local governments including but not limited to collection and provision of bins, waste transport and maintenance.

42. Monitoring of the Overall Program

The four bins system across the State will be monitored through the Waste Authority of Western Australia who will conduct an annual audit. The findings from the audits will be presented to the State Parliament for review.

43. Obligations of Local Governments for the Audit

Local governments are required to provide the Waste Authority of Western Australia with all relevant data and to detail any consistent issues that should be reviewed. Relevant issues can then be used by the Waste Authority of Western Australia to make recommendations.

44. Penalties for Public and Private Spaces

Penalties for private and public spaces that fail to adhere to the four-bin system will be set by local governments with respect to their individual pre-existing penalties.