



Western Australia

**Waste Responsibility and Recycling
Bill 2023**

Explanatory Memorandum

Australia is one of the leading countries for implementing recycling initiatives with products and facilities, allowing up to 80% of everyday household items that get thrown away to be recycled. But regardless the country has a long way to go with currently only 42% of waste being recycled and repurposed. The waste responsibility and recycling bill aims to conserve resources and reduce waste by encouraging the efficient use of materials, developing and promote reuse strategies and integrating these strategies with recycling.

The basis of the system is to implement that all households, apartments, blocks, unites, companies and organisations must pay a base rate per kilogram from their general, green and recyclable waste disposal and treatment. This system will be implemented across the state of Western Australia and work to create an equal waste disposal plan in every local council across the state. Allowing everybody the opportunity to increase their rate of recycling and effective rubbish disposal, while encouraging a more environmentally sound future.

The Republic of Ireland implemented the 'Clean Ireland Recycling' system in 2017, with the idea that it would take over the current recycling system and encourage people to work towards a cleaner and more environmentally friendly future. In the last six years Irelands recycling rates have increase 12% and is now at 62%, which is 7% higher than the European Union's recycling target. This has been achieved by providing a full range of waste collection, treatment and disposal services for both domestic and commercial customers across the country and having a cost-effective waste management service for people in every kind of finical situation.

Establishment of the new recycling system in the state and in regional and rural areas outlines the barcodes, bins, base rate for both domestic and commercial customers, the pre-existing recycling centers and the public information campaign leading to the implementation of the system. With division two expressing the alterations for rural and regional areas including payments, disposal and collection.

The creation of a new digital site that will become a place where West Australian's can access all their waste needs from paying for their waste, educational materials and tips for managing waste. West Australian's are a busy population with busy lives so the aim of this new site is to create a simplified and accessible website that will in one location enable to manage their waste as a household. However, it is acknowledged that not all West Australian's have access to internet or aren't able to use technology for whatever reason have been provided with a range of alternatives that enable them to pay for their waste.

Collection and Disposal measures are outlined within this bill, and are essential to the health, safety and effectiveness of waste management. Worker and capital competency,

accessibility and the obligation held by local government, the Western Australian Waste Authority and the Department of Water and Environmental Regulation are outlined, to create an effective, functional and user-friendly recycling system that upholds both public and environmental interest.

The penalties for not complying are laid out within this document. The penalties used were created to discourage actions, such as illegal dumping, non-payment and the incorrect disposal of rubbish. Many of these penalties are formed of the basis of other laws including the *Environmental Protection Act 1986* and the *Littering Act 1979*.



Western Australia

**Waste Responsibility and Recycling
Bill 2023**

A Bill for an Act to establish a new waste management system that creates greater efficiency in both metropolitan and regional areas and increase waste and recycling infrastructure to improve accessibility for regional Western Australia.

Part 1 — Preliminary

1. Short title

This is the *Waste Responsibility and Recycling Act 2023*.

2. Commencement

This Act comes into operation on the day on which this Act receives the Royal Assent.

3. Terms used

In this Act—

accepted concession card means a Gold Veterans Card or a WA Seniors Card;

alterations means changes, upgrades, and/or improvements aimed to make systems more equitable;

base rate means the unmodified cost per kilogram of rubbish for domestic customers;

broken means, in relation to bins, damaged in a way that it can no longer function to contain waste;

bin tampering means the action of disposing of personal or another party's rubbish within someone else's bin without the consent of the owner of the bin;

changing the physical appearance of a bin means changing the colour, shape or size of a bin;

disposal facilities means a facility where general waste is disposed of, including landfill;

dysfunctional means unable to perform to fulfil a purpose;

general waste or ***residual waste*** means material from households and businesses that cannot be recycled;

green waste means a type of biodegradable waste and is any organic waste that can be composted;

household means one or more persons, including at least one person older than 15 years of age, usually residing in the same private dwelling;

inner regional means those areas classed as inner regional by the Australian Statistical Geography Standard Edition 3;

large business means an entity that is part of an economic group of public, private and foreign-owned companies, trusts and superfunds with combined turnover greater than \$250 million;

large waste means any waste that exceeds the size of a household bin and/or must be disposed of in a local tip;

local government recycling authority means the authority of rubbish collections and facility workers employed by the local government enacted under this legislation;

local tip means a place within a local government area where waste can be deposited in person when waste volume or size exceeds that of household bins and/or where waste can be deposited by rubbish trucks;

metropolitan means the Perth metropolitan area;

not-for-profit organisation means an organisation that provides services to the community and do not operate to make a profit for its members;

organic food items means food that is free of artificial food additives, and are often processed with fewer artificial methods, materials and conditions, such as chemical ripening, food irradiation, and genetically modified ingredients;

outer regional means those areas classed as outer regional by the Australian Statistical Geography Standard Edition 3;

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recyclable waste means waste that can be processed and used again, which heavily relies on a material's ability to reacquire the properties it had in its original state;

processing facility means a facility where recyclable waste can be recycled and organic waste can be composted or otherwise processed to create a new product;

regional means those parts of Western Australia outside the Perth metropolitan area;

remote means those areas classed as remote by the Australian Statistical Geography Standard Edition 3;

small business means an entity that comprises an individual, partnership, company or trust that is carrying on a business unlinked to any other business and the aggregate turnover amounts to less than \$10 million;

upskill means to train an employee with additional skills necessary for the implementation of the *Waste Responsibility and Recycling Act 2023*, as needed for a particular relevant profession;

very remote means those areas classed as very remote by the Australian Statistical Geography Standard Edition 3;

waste collection facility means any facility where waste is stored, organised and/or temporarily held before processing;

waste collection personnel means any person formally engaged with the collection, processing, recycling, disposal or handling of waste products, as identified by their official employment role.

Part 2 — Establishment

4. Barcodes on Bins

- (1) Each bin will have a barcode on the front of it which will be scanned by the local government recycling authority after the household's waste has been weighed up and the payment has been calculated.
- (2) The barcode will direct the payments for the waste to the household, apartment, unit or companies account and can be paid on the website.
- (3) Barcodes for areas with limited access to the internet can pay manually with a printed payment slip that can get taken into your nearest alternative option as stated in clause 13.

5. Bin Options

Bin options include—

- (a) one 240-litre general waste bin for rubbish bags, plastic wraps, Styrofoam, polystyrene, disposable nappies and food scraps that are not fruit or vegetables;
- (b) one 360-litre recycling bin for paper and cardboard, aluminium, cans and foil, steel cans, glass bottles, jars and plastic containers; and
- (c) one green waste bin for lawn clippings, flowers, branches that are up to 15 centimetres thick and 50 centimetres long, plants, fruit and vegetable scraps, eggshells and other organic food items.

6. Free Delivery

Households are eligible for free bin delivery if one of their current three bins are broken or dysfunctional, upon the presentation of evidence.

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7. Green Waste Bin

- (1) Green waste bins can be either—
 - (a) 140 or 240 litres in metropolitan areas; and
 - (b) 240 or 360 litres in regional areas.
- (2) A green and organic waste bin is optional and if local councils do not want to participate in this form of waste disposal, they can opt to send their green waste to the local tip with the general waste.

8. Pre-existing recycling system

- (1) The pre-existing recycling system, centres and facilities will be required to implement new management practices in line with this Act.
- (2) The pre-existing recycling centres and facilities will be renovated and updated to meet the new recycling systems standards and policies for waste disposal.
- (3) Current recycling and waste management facilities will be updated to meet the needs of the new recycling system including staff, equipment and facilities to house the waste after treatment.

9. Base rate for domestic waste

The base rate is—

- (a) 5 cents per kilogram of green and organic waste;
- (b) 10 cents per kilogram of recyclable waste; and
- (c) 20 cents per kilogram of general waste.

10. Establishing for Organisations and Companies

- (1) The household recycling and waste disposal system will also include—
 - (a) small companies and organisations;
 - (b) large companies and organisations;
 - (c) not-for-profit organisations; and
 - (d) mining and farming companies that produce large amounts of industrial and green waste.
- (2) Costs for commercial waste will be locked at 3 times the base rate for domestic waste.
- (3) All businesses will be provided with any bins they do not currently possess free of charge in a range of sizes including 140-litre, 240-litre, 360-litre, 660-litre and 1,100-litre.

11. Public information campaign

Information on the new waste system will be provided through—

- (a) online educational material as stated in section 12(b);
- (b) public forums run by local government to provide information and answer questions about the new waste system; and
- (c) advertisements and articles in newspapers, newsletters and social media.

Part 3 — Waste Payment

Division 1 — Establishment of Digital Payment System

12. Website established and features

A website will be developed to enable households to pay for their waste digitally, also featuring—

- (a) tips and advice in recycling and reducing waste;
- (b) educational material about the new waste system;
- (c) the ability to order a new bin to replace one that is damaged, lost or stolen; and
- (d) any other features the Waste Authority deem necessary.

13. Alternative Methods of Payment

A household without internet access can alternatively pay—

- (a) at a local government office building;
- (b) at a post office;
- (c) over the phone; or
- (d) by any other method the Waste Authority deem necessary.

14. Payment Plans

Payment plans can be established by contacting the Waste Authority through the website or over the phone.

Division 2 — Discounts and Surcharges

15. Discounts

- (1) Households with an accepted concession card will be entitled to a 5% discount on the base rate.
- (2) Inner and outer regional households will be entitled to a 10% discount on the base rate.
- (3) Remote and very remote households will be entitled to a 20% discount on the base rate.

16 Surcharges

After the application of discounts under section 15, a surcharge of 40% on the base rate will be imposed on large waste.

Part 4 — Collection and Disposal
Division 1 — Obligations to Support Implementation

19. Local Government Obligation

Local government agencies, overseen by the Western Australian Waste Authority and in accordance with the *Waste Avoidance and Resource Recovery Act 2007*, are obligated to provide accessible disposal sites for waste products.

20. Western Australian Waste Authority Obligation

- (1) The Western Australian Waste Authority shall have the obligation to oversee the implementation and development of the *Waste Responsibility and Recycling Act 2023*, and ensure suitable disposal and recycling hubs are set up to service the metropolitan area and each regional SA4 of the Australian Statistical Geography Standard Edition 3.
- (2) The Western Australian Waste Authority shall have the power to, in accordance with the *Waste Avoidance and Resource Recovery Act 2007*, oversee and report to the Department of Water and Environmental Regulation on the cooperation and fulfillment of local government obligations, compliance, functionality and effectiveness of waste collection, disposal and processing facilities.

21. State Government Obligation

The State government has an obligation to ensure the process of designating, building and running disposal and recycling hubs is met by liaising with local governments, to ensure appropriate and reasonable access to waste collection, disposal and processing facilities.

Division 2 — Provisions to ensure workforce capacity

**22. Department of Water and Environmental Regulation
Workforce Provisions**

The Department of Water and Environmental Regulation shall make provisions for employment, training, advertising and any other reasonable and applicable measure within their power to encourage community facilitation of the *Waste Responsibility and Recycling Act 2023*.

**23. Department of Water and Environmental Regulation
Encouragement Measures**

- (1) The Department of Water and Environmental Regulation shall encourage local governments to employ initiatives within their communities to ensure appropriate workforce numbers and skills are achieved, to facilitate disposal and recycling sites, collections, education programs and any other role that may be required in the application of the *Waste Responsibility and Recycling Act 2023*.
- (2) Encouragement measures may include liaising with local governments, other State government departments and educational facilities to encourage work qualifications necessary, providing and delegating funds to local government programs, aiding the timely delivery of disposal and recycling hubs or other measures taken within the scope of authority for the Department of Water and Environmental Regulation.

Division 3 — Collection of Specified Waste Products

24. Local Government Waste Collection

Collection of specified waste products must be the responsibility of the local government of the collection area and must adhere to the *Waste Responsibility and Recycling Act 2023* and any other relevant legislation.

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25. Waste Collection Times and Frequency

- (1) Local governments that already routinely collect waste may decide the frequency and time of collection of waste at their own discretion.
- (2) Local governments that are 200 kilometres or more from the nearest waste collection, disposal and processing facilities will decide the frequency and time of collection of waste jointly with the Department of Water and Environmental Regulation.

26. Waste Product Segregation Variation

Waste product segregation will vary based on the defined Australian Statistical Geography Standard Edition 3 remoteness areas.

27. Waste Collection Trucks

- (1) Waste collection trucks will be the responsibility of local governments and will be overseen by the Western Australian Waste Authority.
- (2) Waste collection trucks must adhere to the requirements set by the Department of Water and Environmental Regulation.

28. Alternative Deposit Sites

- (1) Deposit sites, set up at local tips, will provide alternative measures to waste collection and disposals.
- (2) The same rules for disposal of waste products at street collection, facilitated by local governments, will apply to tip disposal, including weighing, segregation, bin tampering and penalties that may apply.
- (3) Cameras and staffing, wherever possible, will be implemented at tip dumping sites to ensure compliance, competency and effective disposal of waste products.

Division 4 — Operation of Disposal and Recycling Facilities

29. Access to Waste Management Facilities in the Regions

The Department of Water and Environmental Regulation, in conjunction with local governments, will undertake all necessary actions to ensure waste collection, disposal and processing facilities are operational and accessible to households in regional areas.

30. Grants for Disposal and Recycling Facilities

- (1) Waste collection, disposal and processing facility grants will be available to supplement local governments wishing to host disposal and recycling facilities and will be determined and approved at the discretion of the Department of Water and Environmental Regulation.
- (2) Where possible, preference will be given to disposal and recycling facilities contained in one facility and to centrally-situated sites most suited to service the surrounding region.

31. Regional Waste Transport

- (1) The Department of Water and Environmental Regulation will be responsible for the transportation of waste from local governments over 200 kilometres away from facilities.
- (2) Local governments eligible under subsection (1) still retain the responsibility for waste collection in their jurisdiction and shall transfer waste to the Department of Water and Environmental Regulation at a central location for onward transport.

Part 5 — Penalties

32. Illegal Dumping

Notwithstanding penalties in force under the *Environmental Protection Act 1986* and *Littering Act 1979*, a person who disposes of rubbish illegally within a national park has committed an offence and is required to pay an additional fine of \$1,000.

33. Bin Tampering

- (1) A person who disposes of their own or another party's waste inside someone else's bin has committed an offence and is required to pay a fine equal to twice the amount owner of the bin would be required to pay for the disposal of the waste.
- (2) A person who attempts to hide the total amount of waste they discarded has committed an offence and is required to pay a fine of \$500.
- (3) A person who changes the physical appearance of the bin in such a manner that the identifying barcode is unable to be used for identification has committed an offence and is required to pay a fine of \$500 per bin changed.

34. Waste Payment Evasion

A person who avoids payment of rubbish collection without an agreed payment plan has committed an offence and will -

- (a) no longer have their rubbish collected until full payment is made; and
- (b) pay a fine of \$100 payment is not made after 3 weeks.

35. Local Government Penalties

Existing local government penalties for the offences outlined in this Part take precedence over the penalties outlined in this Part.



YOUTH GOVERNOR OF
WESTERN AUSTRALIA

DECLARATION OF ROYAL ASSENT

IN THE NAME OF HIS MAJESTY, I assent to this Act.

A handwritten signature in black ink, appearing to read 'ZPB7', with a horizontal line underneath.

His Excellency, Hon. Doug Jackson
Youth Governor of Western Australia
16 October 2023