

Attention Ms Janet Sawides.

Dear Janet,

Please regard this email as our supplementary submission.

In our first submission we highlighted the problems evident in the policy and regulatory development processes, and the need for some means of ensuring that the proper processes were followed and that the quality of inputs and analysis were raised.

Suggestions made included the establishment of a central agency at federal and state level to vet regulatory proposals as well as supporting data and analysis, as is the case in Netherlands. The need for quality improvement via mechanisms such as provided by the USA Data Quality Act was also raised.

We contend that it is difficult for all departments and agencies to have the necessary expertise in house to properly conduct the processes involved in policy formation and regulatory analysis, and therefore some sort of central coordination and quality control is needed. Whilst education of staff in what is required under the various processes is obviously required, education alone cannot solve the problems evident within the system.

Attached please find a copy of a response to a submission we made to the Western Australian Department of Environment and Conservation in relation to proposed new waste legislation. You will note that the analysis undertaken amounts to little more than a 'popularity poll'. There has been no assessment as to the merit of comments made or how comments reflect on the validity of what is being proposed.

This response is reflective of the internal assessment processes taking place at state level. It suggests that the public consultation processes undertaken are not really used to address any flaws in policy or regulatory proposals, they are simply a step in the process that must be endured.

All the best,

Gerard van Rijswijk
Senior Policy Advisor
National Association of Retail Grocers of Australia



Department of
Environment
and Conservation

Your ref:

Our ref: File 509/97/8

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Dear Mr van Rijswijk

WASTE AVOIDANCE AND RESOURCE RECOVERY BILL 2006

WASTE AVOIDANCE AND RESOURCE RECOVERY LEVY BILL 2006

Thank you again for your recent submission providing comments on the draft *Waste Avoidance and Resource Recovery Bill 2006* (the 'WARR Bill') and the draft *Waste Avoidance and Resource Recovery Levy Bill 2006* (the 'WARR Levy Bill').

Every one of the received submissions made suggestions or recommendations for improvements in one or both of the draft Bills. All submissions are now being very carefully considered so that recommendations may be placed before the Minister.

Most of the submissions obviously had much thought and great effort go into their preparation. The Department of Environment and Conservation is very grateful for these well-considered and much appreciated inputs into improving the two Bills.

For your information, I attach a very brief overview (one page) of the seventy-six (76) submissions received — and some quotes (second attached page) extracted from submissions which were strongly against or strongly supportive of the two Bills.

My intention is to send you updates, in 2007, on the progress of the two WARR Bills.

Yours sincerely

Dr John Ottaway
PRINCIPAL CONSULTANT (ASSISTANT DIRECTOR)
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DRAFT WASTE AVOIDANCE AND RESOURCE RECOVERY BILL

GENERAL SUMMARY OF SUBMISSIONS RECEIVED

Overall general level of support for the draft **WARR Bill**
as indicated in each submission.

- 1 = strongly disagree with/ strongly do not support
- 2 = disagree with/ do not support
- 3 = Neutral, or unclear. Comments provided, but submission unclear on whether it generally agrees with or disagrees with the Bill; that is, whether the submitter overall supports or does not support.
- 4 = agree with/ supports*
- 5 = strongly agree with/ strongly supports*

* Please note that every submission which supported or strongly supported the Draft WARR Bill also made direct comments on [suggested/ desired/ recommended/ required] improvements to the Bill or referred to supporting other specific submissions which made comments regarding improvements.

No.	FROM	1	2	3	4	5
13	Private Individuals: <i>Subtotals</i>	0	1	0	10	2
28	Local Government: <i>Subtotals</i>	0	1	0	20	7
5	Regional Councils: <i>Subtotals</i>	0	1	1	1	2
5	Industry Companies: <i>Subtotals</i>	0	0	0	1	4
8	Associations: <i>Subtotals</i>	1	0	0	2	5
11	Environmental Groups: <i>Subtotals</i>	0	0	1	6	4
6	State Govt agencies/ depts: <i>Subtotals</i>	0	0	0	3	3
76	TOTALS	1	3	2	43	27

Summary: 70 of the 76 submissions received (92%) support or strongly support the draft WARR Bill (noting again that each of these 70 submissions which supported or strongly supported the Bill also made direct comments on [suggested/ desired/ recommended/ required] improvements to the Bill or referred to supporting other specific submissions which made comments regarding improvements).

EXTRACTS FROM SOME SUBMISSIONS

1. FROM THE ONE SUBMISSION (57: INDUSTRY ASSOCIATION) WHICH STRONGLY DOES NOT SUPPORT THE DRAFT WARR BILL

"We show in this submission that the processes used to develop waste policy and regulation is fundamentally flawed and that, as a result, the community gets poor value for money in the various waste management and waste reduction activities proposed under this legislation".

2. FROM ONE OF THE 27 SUBMISSIONS (52: INDUSTRY ASSOCIATION) WHICH STRONGLY SUPPORTS THE DRAFT WARR BILL

We "... commend the implementation of the WARR Bill particularly in light of the terminology and procedures allowed for [which] are in accordance with the Western Australian government EPR policy and complementary to the work being done on a national level under the national Environment Protection Measures. This is consistent with the industry preference for a reduction in the imposition of costly and inefficient regulation placed on business."

3. FROM ONE OF THE 27 SUBMISSIONS (58: INDUSTRY ASSOCIATION) WHICH STRONGLY SUPPORTS THE DRAFT WARR BILL

"The [Association] strongly supports the Government's approach to prevention, recovery and disposal of waste. Further, the [Association] strongly supports the WARR Bill, believes the legislation is long overdue and is looking forward to its implementation."

4. FROM ONE OF THE 27 SUBMISSIONS (59: LOCAL GOVERNMENT ASSOCIATION) WHICH STRONGLY SUPPORTS THE DRAFT WARR BILL

"The [Association] strongly supports the intent of the WARR Bill to consolidate existing provisions relating to waste management under one piece of legislation which, in the context of existing powers in other acts, has the necessary powers to drive waste management in Western Australia towards the Zero Waste 2020 vision. The Association congratulates the State Government on its commitment to this process and appreciates the opportunity to comment on and contribute to this important legislation."

5. FROM ONE OF THE 27 SUBMISSIONS (56: PRODUCT POLICY GROUP) WHICH STRONGLY SUPPORTS THE DRAFT WARR BILL

"The WARR Bill 2006 will be landmark legislation that will move Western Australia into a leadership position within a country that is already ahead of the curve in the development of waste prevention policies for the 21st century."