

29 July 2013

The Committee Manager
Committee on Environment and Regulation
Parliament House
Macquarie St
Sydney NSW 2000

RE: Inquiry Into Management and Disposal of Waste on Private Lands

Dear Sir

The Australian Sustainable Business Group (ASBG) welcomes the opportunity to provide input on the *Inquiry Into Management and Disposal of Waste on Private Lands*.

The [Australian Sustainable Business Group](#) (ASBG) is a leading environment and energy industry representative body that specializes in providing the latest information, including changes to environmental legislation, regulations and policy that may impact industry, business and other organisations. We operate in NSW and Queensland and have over 130 members comprising of Australia's largest manufacturing companies. Members were fully involved in the development of this submission and ASBG thanks them for their contribution.

ASBG strives to assist government and its regulatory agencies to prepare more efficient regulatory process, with the outcome of achieving practical, efficient, low cost solutions to achieve high environmental outcomes.

In overview in relation to the inquiry, ASBG members are concerned over the policing of illegal dumping on private land. In many cases our members cite examples of buck passing between the three main agencies, Environment Protection Authority, Councils and Police.

Additionally, in many cases where illegal dumping has occurred, the site owner victim ends up footing the bill to properly dispose of the waste material.

Background

Illegal dumping is a major issue especially for urban areas in the Sydney, Newcastle and Wollongong areas. The [2012 State of the Environment Report, People and the Environment](#) section identifies the local scale of the problem thus:

For example, in 2010–11, the Western Sydney RID Squad (of seven local councils) investigated 4716 illegal dumping incidents involving approximately 226,000 tonnes of waste. Investigations resulted in the issue of 93 clean-up notices and 733 penalty notices. RID Squad activity led to around one-third of the illegally dumped waste being recycled.

Given that the Western Sydney Regional Illegal Dumping Squad makes up only part of the Sydney area, the total scale of illegal dumping can only be considered substantial. Additionally, the NSW has taken recent actions to combat the illegal dumping problem, reflecting the scale of the issue, including:

- As part of the Waste Less, Recycling More strategy \$58m over 4 years to tackle illegal dumping on public lands and preparation of a [draft Strategy to Combat Illegal Dumping](#)
- [Protection of the Environment Operations Amendment \(Illegal Waste Disposal\) Bill 2013](#), which included increased penalties for repeat dumpers and also a major change to the collection of the s88 Waste Levy.

In the second reading speech on the POEO Illegal Waste Disposal Bill, the Minister Robyn Parker said:

The Government estimates that each year \$100 million is lost to the New South Wales Government from incidents causing significant and long-lasting environmental harm, associated clean-up costs and unpaid waste levies....

Illegal waste dumpers sometimes choose a site that is a vacant block in a residential area, and communities suffer the consequences.

ASBG concurs with the Minister and wishes to add that private land holders are also victims of the illegal waste dumpers.

Policing issues with Illegal dumping

A number of ASBG member have reported illegal dumping to Council and or the Police only to be referred back to the other. This is despite ample evidence being collected which identifies the likely suspect involved.

Case A An industrial site near a major town.

The first load of about 20 tonnes of largely building waste was dumped on Company A's site after breaking in via a cyclone wire gate. Documents including bills, letters even clothing with advertising clearly identified a likely suspect. The Police knew of this individual, but still chose to take no action. Company A cleaned up the waste at their cost.

One month later a similar amount was dumped as no action was made by any authority. This time the waste material contained asbestos, which had to be specially handled, wetted and bagged before disposal at considerable expense.

Case B A large industrial site with buffer zones

Two separate dumpings of 10 tonnes and 5 tonnes were recently identified and cleaned up by Company B. This company has large landholdings with buffer zones of bush.

Unfortunately the design of environment laws makes it a disincentive to report illegal dumpings where identification of culprit is difficult. More often than not a reporting will result in the site wearing the disposal costs of the illegal wastes.

Illegal Dumping Costs Private Landowners

Illegal dumping of waste is a criminal offence under environmental law. However, the way in which the *Protection of the Environment Operations Act 1997* is arranged permits the EPA or local Council to force the landowner to clean up waste dumped on their land. With the considerable risk in the waste levy, landfill tipping fees and waste acceptance criteria, such clean up costs can be in the many thousands of dollars.

ASBG has also learnt that General Insurance Policies, whilst covering pollution incidents, which may include illegal dumping do not perform if a regulatory agency legally requires such clean up. Such policies only tend to pay for third party civil cases. This legal precedent was set in Queensland involving an incident at Binary Chemicals and the [following case](#) against its insurance company, which it lost.

Many companies are not aware of this legal issue regarding insurance. However, one answer is the availability of additional insurance coverage which fills in this gap. Awareness of this gap is also lacking with most landholders believing existing policies will perform on illegal dumping.

Conclusion

ASBG members and many private land owners are also victims of illegal dumping along with the NSW Government and local Councils.

Improved policing with a more integrated approach to illegal dumping should involve all the agencies: EPA, Councils and the Police. Each has their own strengths and weaknesses, but resourcing appears to be a major obstacle. Given the scale of the missing levy revenue improved policing appears a good investment.

Make it easier and less of a cost impact for private land holders to report illegal dumping. Such reporting if sufficient quality should lead to firm action by the authorities. Better policing should also enable the legal system to better transfer the costs to the culpable parties, rather than let it largely rest on the victims of illegal dumping.

ASBG members and many other private landholders would welcome working more with the NSW Government and its agencies to identify illegal dumpers. This can be done via low cost appropriate technologies e.g. video cameras in strategic locations and other practices. Guidance materials to the public to report illegal dumpers would also be a welcomed addition to this problem.

By working together the private and government sectors can achieve far more than working apart. This is a common problem which is best solved together.

Should you require ASBG to clarify or elaborate on the above matter please contact me.

Yours Sincerely



Andrew Doig
CEO

Australian Sustainable Business Group (ASBG)
T. +61 2 9453 3348
F: +61 2 9383 8916
(PO Box 326, Willoughby NSW 2068)

Email address:

andrew@asbg.net.au
www.asbg.net.au