

In October, NSW Police responded to a roll over event where it appeared exhumed waste was being transported interstate. (Source: WCRA)

Get a move on, NSW

By Jacqueline Ong

THE interstate transport of waste, particularly from NSW to Queensland, has been going on for years. Some say about a million tonnes of material travel across state borders every year but the truth is, those figures are largely anecdotal and to date, no one knows exactly how much is being transported annually.

The issue has been discussed and debated by stakeholders of the industry and has even received mainstream media attention. And over the years, the result - on top of a loss of \$110 million to \$140 million a year in unpaid

levies for the NSW government - is the creation of a two-tier market of those who want to do the right thing and those who have been doing the right thing but may not be able to hold out much longer for financial reasons.

Then, there are the safety risks. At a Waste Contractors and Recyclers Association of NSW (WCRA) forum in February, NSW Police chief inspector Phil Brooks revealed just how devastating the impacts of interstate waste transportation are and have been.

Attendees were shown clip after clip of accidents involving heavy vehicles, including trucks carrying waste materials from NSW to Queensland. He

said that in order for drivers to get to their destination quickly, many were engaged in speed tampering. This is on top of the risks associated with driver fatigue and the general poor management of fleets. He pointed to numerous incidents where drivers were pulled over because they had not secured their loads properly, were on their mobile phones, had fuel leaking from their vehicles, were overloading, and when tested, were shown to have ingested illegal substances.

While there is a need to stamp out the root cause of these incidents - i.e. fix the interstate transportation issue - Brooks urged operators in the room

to think about and implement better processes pertaining to driver training, drug testing, fleet maintenance and time management.

Chain of responsibility

Paul Endycott, Zenergy's principal chain of responsibility consultant also offered some pretty sombre figures, including an 85% increase in deaths due heavy vehicle accidents in NSW over the last 12 months.

However, changes to the Chain of Responsibility (CoR) laws will likely play a large role in improving the situation, what with every part of the waste supply chain being held

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That same month (October), a truck loaded with demolition waste and headed for Sunnybank in Queensland, met a similar unfortunate fate. (Source: WCRA)



responsible for heavy vehicle safety and maximum penalties rising to \$3 million for corporations, and \$300,000 and up to five years in prison for individuals.

Endycott also noted that the authorities, including the police, will be given more power to take action and will no longer have to wait for a problem or trigger before conducting an investigation - they will be able to act on a suspicion.

He advised operators to undertake an in-depth gap analysis sooner rather than later, to plug the chain of responsibility gaps ahead of the changes being implemented from mid-2018.

The levy

The levy or lack of levy in Queensland's case, was of course discussed, given it is the reason why waste is even being transported across state boundaries.

It is understood that the Queensland Treasury is modelling levy options but as National Waste and Recycling Industry Council (NWRIC) convenor Max Spedding pointed out at the forum, it will take at least till July 2019 to make the legislative changes required to apply a levy. Additionally, even if Queensland were to introduce a levy, would it be as high as NSW's \$138.20/tonne? Probably not. And if it is nowhere close, why would operators stop transporting waste interstate?

Spedding believes that as a start, the NSW government should make progress with construction and demolition minimum standards proposed in 2016 because the suite of changes include making it an offence to exhume and transport waste from landfills.

Some attendees questioned if the NSW government should perhaps lower the levy and questioned if the levy is doing its job. It seems attendees were divided though it was pointed out during the discussion that the levy is doing its job in some sectors and it is not necessarily a straightforward or positive solution to simply reduce the levy. For one, the investments in the sector made possible by the levy may be jeopardised.

The call for a harmonisation of levies was once again brought up, as well as the marriage of two actions - because as WCRA executive director Tony Khoury pointed out, simply fixing the levy will not work - Queensland imposing a levy and NSW rolling out regulations including laws that prevent landfills from receiving levy refunds on exhumed waste and/or acting as de facto transfer stations unless they have DA consent. Spedding noted however that in Victoria where the levy is lower than NSW, it is "easier" to recycle because the state's regulations are not as prescriptive.

Taking ownership

The one thing that attendees agreed on was that NSW needs to take ownership of the issue and not wait for Queensland to take action; it is up to NSW to put an end to the problem. But how?

The NWRIC has suggested making landfill levies portable across state borders, meaning levies are applicable where the waste is generated, not where it is landfilled. While seemingly difficult on the surface, Spedding previously said all that is needed is an agreement between the states and the legislative changes that follow will be "relatively minor".

While that is one possible solution, Dial A Dump CEO Ian Malouf proposed another at the event - implementing a Safe Disposal Levy. Only minor regulatory changes would need to be made, said Malouf, and it would pretty much be "business as usual".

The change would refocus the primary and legal liability for the levy payment onto the waste generator. In turn, this liability is passed along the chain of responsibility in a similar fashion to the GST. The levy collection point would continue to be the landfill facility and if waste is transported interstate for disposal or illegally dumped, it is the generator who will be held liable.

Malouf said it is a viable solution for a number of reasons. For one, it is constitutionally sound, he said. Precedents for the mechanism also exist in the Protection of the Environment Operations Act. **iw**

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