



INTERIM
Public Authority
Landfill Levy
Support Program



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Introduction

The 21 July 2022 Ministerial Direction¹ to the Tasmanian Waste and Resource Recovery Board (the Board) required the development of a program to assist public authorities deal with the impact of the landfill levy on their dumping and litter management activities:

1.4 Assistance Program for Public Authorities: Dumping and Littering

The Board will develop and implement an Assistance Program as per s 12(2)(1) of the Act, which ensures those public authorities which collect and dispose of illegally dumped or littered materials are able to claim a 100 per cent rebate on the levy component when those materials are landfilled. The Assistance Program should also include litter and illegally dumped waste which is collected from public land as part of an organised community clean up.

The issue arose as significant during consultation on the draft Waste and Resource Recovery Bill in 2021. Supporting information released at the time by the then Department of Primary Industries, Parks Water and Environment recognised that public authorities would bear an additional burden from the introduction of the levy when disposing of illegally dumped material that they had collected as a public and environmental good activity. The examples given included collecting dumped car bodies or retrieving dumped household goods from bush environments.

During consultation, local government in particular made it clear that there was little distinction between cleaning up such illegally dumped material and cleaning up litter illegally dumped in urban environments. The example of the street sweeper was given to highlight the issue, and that support should also be given to the increased cost due to the landfill levy of disposing of such collected material. The management of stormwater litter traps is a similar example, as is providing the rebate for various clean-up programs that the authorities manage on behalf of the community.

Illegal dumping and littering describes a spectrum of the illegal disposal of material; dumping being the larger end, and littering being the smaller end. There is also a gradation into general clean-up activities undertaken by public authorities (e.g. parks and street verges) where the material may not necessarily be illegally disposed, but rather just an accidental escape.

In Tasmania, there is currently little information available to assess the magnitude of the amount of illegally dumped and littered material that is collected and disposed to landfill. The material is also handled differently around the State, with some material taken directly to landfill, and some going via a waste transfer station. Some material such as that collected by

¹ Available at <https://wrr.tas.gov.au/legislation>.

street sweepers from certain areas has been found to be primarily organic material with little contamination, and is able to be composted.

This opt-in Interim Public Authority Landfill Levy Support Program is designed to support public authorities cover the additional cost burden due to the landfill levy of disposing of illegally dumped or littered material collected during the course of their operations. It is also designed to be consistent with other programs such as the EPA Litter and Dumping Management System (including Report Rubbish).

A key aim of the first year of operation of this interim support program is to improve data collection processes so that the extent and nature of the issue in Tasmania can be better characterised. The interim program will be reviewed at the end of the first year of operation to ensure that it can be focused on the most significant illegal dumping and littering issues facing public authorities. To support this, the Department of Natural Resources and Environment Tasmania and the Board will work with landfill operators and relevant public authorities to improve waste data categorisation at the landfill so that the collected material can be more readily identified and tracked.

Support program scope

Public authorities

This support program is for Tasmanian public authorities that manage public or Crown lands. This includes all Tasmanian local governments and relevant authorities established under the *Local Government Act 1993*, and State Government Departments, Authorities², Government Business Enterprises and State-owned Companies³ (e.g. the Parks and Wildlife Service, Sustainable Timber Tasmania, Wellington Park Management Trust, Port Arthur Historic Site Management Authority, Tasmanian Railway, Tasmanian Networks and Hydro Tasmania).

The program is not specifically designed for community or “care” groups undertaking clean-up activities. However, such activities will be covered when they are undertaken in collaboration with the relevant local public authority and the public authority coordinates the disposal of the material. The rebate on the landfill levy paid will be provided to the appropriate public authority.

² State Government Departments and Authorities are defined in Schedule 1 of the State Service Act 2000 <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2000-085#JSI@EN>

³ A list of Government Business Enterprises and State-owned Companies is maintained at <https://www.treasury.tas.gov.au/government-businesses/tasmanian-government-businesses>

Costs and activities

The July 2022 Ministerial Directive requires the Board to provide a rebate of 100% of the landfill levy component when the illegally dumped or littered materials that have been collected are landfilled.

The activities that will be typically covered by this support program will include:

- collections of dumped material such as car bodies, whitegoods, or household rubbish from bushland or waterways;
- street-sweeping operations;
- stormwater trap cleaning;
- community or “care” group clean up activities (regular or *ad hoc*) where disposal is undertaken by the public authority.

It is noted that material taken to a waste transfer station does not incur the landfill levy at that point, but rather it is the residual waste taken from the transfer station to landfill that incurs the landfill levy. This mechanism encourages the recovery of useful material from all waste streams, which is a foundation principle of the *Waste and Resource Recovery Act 2022*.

To support the practical implementation of this support program, arrangements will need to be developed between the public authority and relevant waste transfer station to identify the component of the illegally dumped or littered materials taken to the transfer station that was subsequently landfilled. This will encourage the continual efforts to recover at the transfer station as much material as possible. For example, a car body that has been recovered from a bush area may be able to be significantly recycled through a metal recycling service. In this situation, there would be little to no landfill levy applied that needs to be rebated through this support program.

For waste regularly disposed of at landfill that has been collected through street sweeping or stormwater litter trap cleaning, discussions should be undertaken between the authority and the landfill operator to develop a specific waste description for the material from that authority. This will allow regular (eg monthly) reports to be provided by the landfill operator to the authority to identify the quantity of waste and the landfill levy paid. This report can be used as supporting evidence in the authority’s claim to the Board for the landfill levy rebate. To assist with developing suitable and consistent waste descriptions across Tasmania, the Waste Levy and Data team in NRE Tasmania will be working with landfill operators to develop suitable categories for use by the operators and their client public authorities. Further information about the categories can be obtained from the Waste Levy and Data team (contact WasteLevy@nre.tas.gov.au).

The Board’s Public Authority Landfill Levy Support Program is not intended to address wider issues of discouraging illegal dumping or littering. Other programs will provide such support. For example, the *Waste and Resource Recovery Regulations 2022* prescribe a specific payment to the Environment Protection Authority (EPA) for improving compliance activities

to address illegal dumping. The EPA also manages the Report Rubbish online reporting tool, which is designed to help identify hotspots of dumping, so that further action can be taken.

The Board encourages all illegally dumped material collected to be reported through Report Rubbish (or its Litter and Dumping Management System) to ensure a better picture of illegal dumping is developed, so further work can be undertaken to address the issue.

The Board's focus through the Tasmanian Waste Strategy also includes areas where improvements to waste management and education and awareness will help improve the issue of dealing with illegally dumped and littered material. The Board also supports the State's regional waste authorities that run their own programs of supporting their members to undertake clean-up activities.

The Board's Public Authority Landfill Levy Support Program will not cover the disposal of material from specific large pollution events, where those situations are already covered by statutory cost recovery arrangements or other specific retrospective cost recovery arrangements. These situations are likely to be managed through relevant cost recovery provisions of the *Environmental Management and Pollution Control Act 1994*, and the *Marine-related Incidents (MARPOL Implementation) Act 2020*.

Likewise the support program will not cover the disposal to landfill of material that is subject to exclusion by a Ministerial Order under section 6 of the *Waste and Resource Recovery Act 2022*, or as prescribed through Regulation, as no landfill levy has been paid on that material.

Support program timeframe

With little information available across the State as to how much illegal dumping and littering is occurring, a key objective of the initial support program is the collection of better data. This will be used in a review of the program after the first year to ensure that the scope and structure of the Public Authority Landfill Levy Support Program is effectively meeting the needs of authorities and the objectives established in the Ministerial Directive.

THE INTERIM PROGRAM WILL RUN DURING 2024, WITH CLAIMS ACCEPTED FOR WASTE DISPOSED OF FROM 1 JULY 2023.

At the end of 2024, the Board will be reviewing the support program and adjusting the arrangements as necessary.

Rate of support

The *Waste and Resource Recovery Act 2022* and its Regulations prescribe the waste levy amount and date of commencement. The levy is being applied in staged increments over four years, to allow time for businesses and local government to plan and budget for the

changes. The levy commenced at 12 Fee Units⁴, and increases to 24 Fee Units on 1 July 2024, and 36 Fee Units on 1 July 2026.

The Board's Public Authority Landfill Levy Support Program will provide a rebate payment of the full amount of levy paid. As such the rate of support will go up in line with the staged increases in levy paid.

With little information currently available on the amount of illegally dumped and littered material disposed of in landfill, the data collection from the first year of the support program's operation will be used to review the program to ensure it meets the intended aims.

Eligibility

To be eligible for support through this program, an organisation must be a public authority as outlined in the section *Support program scope* above. The organisation must also hold a valid Australian Business Registration Number and suitable bank account, to allow rebates to be paid electronically.

Claims process

The Board will accept claims back to 1 July 2023 on a monthly, quarterly, bi-annually, or annually from public authorities that specify on a load-by-load basis the amount (weight) of material disposed to landfill, the type of material, and the amount of landfill levy paid. Details of categorising material types, and converting volumetric measures to weights, are available in guidelines⁵ developed by NRE Tasmania.

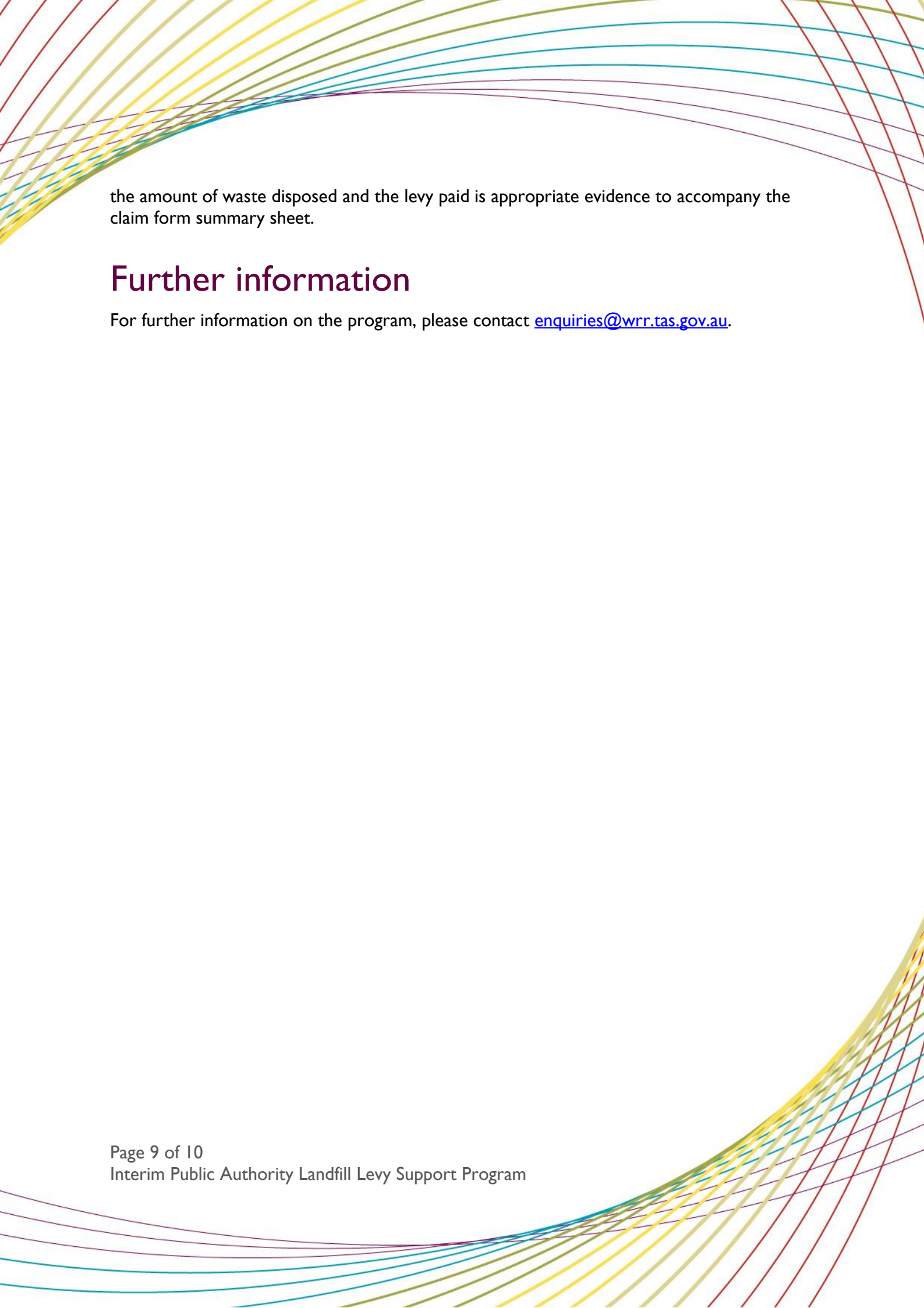
A summary sheet is available from the Board to assist, which must be supported by suitable evidence for each load-claim made.

While flexibility is being provided in the timing of claims made by public authorities, it would assist the Board if the preferred frequency was discussed and developed collaboratively with the Board to maximise administrative efficiency for both the authority and the Board.

Note the comments made in the section *Costs and activities* above regarding a report provided by the Landfill operator for waste disposed from regular activities such as street sweeping or litter trap cleaning. A report such as this clearly identifying the source authority,

⁴ The Fee Unit for 2023/24 is prescribed at \$1.78, which means that the landfill levy amount will be \$21.36 in the 2023/24 financial year. Further information on Fee Units is available from the Treasury and Finance website (<https://www.treasury.tas.gov.au/economy/economic-policy-and-reform/fee-units>).

⁵ Available from <https://nre.tas.gov.au/environment/waste-and-resource-recovery/landfill-levy-data-recording-and-reporting>



the amount of waste disposed and the levy paid is appropriate evidence to accompany the claim form summary sheet.

Further information

For further information on the program, please contact enquiries@wrr.tas.gov.au.



Tasmanian Waste and Resource Recovery Board

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