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Controlled Waste Review  
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Dear Project Manager

**Re: Discussion paper – Controlled Waste Review**

Australian Pork Limited (APL) welcomes the opportunity to make a submission to the Discussion Paper – Controlled Waste Review (Review of the *Environmental Protection (Controlled Waste) Regulations 2004*).

APL is the peak national representative body for Australian pig producers. It is a producer-owned company combining marketing, export development, research and innovation and strategic policy development to assist in securing a profitable and sustainable future for the Australian pork industry. The Australian pork industry employs more than 36,000 people in Australia and contributes \$5.2 billion in gross domestic product to the Australian economy. During 2015-16, the pig production sector in Western Australia (WA) contributed around \$239 million (value-added) to the Western Australian economy, while supporting 1,340 full time Western Australian jobs which generated \$114 million in household incomes for Western Australian families.

APL is supportive of potential improvements to the 2004 Regulations and recognises that this discussion paper is provided as a preliminary consultation measure to facilitate industry engagement. In saying this, as the national peak body for Australian pig producers, it is of great concern that we were only made aware of this review through a consultant that raised questions to us on behalf of concerned producers. Given the potential impacts on industry, APL is disappointed that the Department has not included APL on its stakeholder list.

Issues identified are provided below for your consideration:

**I. Inconsistent Approach**

The discussion paper intimates that DWER has identified gaps and opportunities for improvements to the existing Regulations, including classifying types of waste and interstate transport of waste.

This comes as a surprise to APL noting the existing *National Environment Protection (Movement of Controlled Waste between States and Territories) Measure* (the “Measure”) within which WA is a signatory under the *National Environment Protection Council (Western Australia) Act 1996*. The Measure clearly defines types of controlled waste and sets out the transportation requirements. APL notes that the *Western Australian Environment Protection Act 1986* refers to the Measure on numerous occasions, particularly in relation to defining controlled waste products and transportation.

However, in drafting “Schedule I – Controlled waste” of the *Regulations*, it appears that the Western Australian Government (WA Government) has either accidentally or intentionally changed the definition under which animal wastes fall into so as to allow interpretation of animal waste to include those wastes produced on-farm rather than those specified in the definition within the NEPM under Schedule A List 1: Waste categories ‘Animal effluent and<sup>1</sup> residues (Abattoir effluent, poultry and fish processing waste)’. The change to ‘Animal effluent or<sup>2</sup> residues .....’ facilitates the freedom of interpretation by the

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<sup>1</sup> Emphasis added

<sup>2</sup> *ibid*

regulator. Further, the DEWR fact sheet 'What is controlled waste?' defines controlled waste as 'any matter that is – (a) within the definition of waste in the NEPM for the Movement of Controlled Waste between States and Territories; and (b) listed in Schedule 1...'. This implies that the definition currently within the Regulations has been misquoted and should in fact reflect the language within the NEPM.

As such, APL recommends the definition within the Regulations be amended to match that of the NEPM. In doing so, it will harmonise the interpretation of the NEPM nationally and mitigates the need for addressing a range of other considerations as the effluent produced will no longer be considered a 'controlled waste' and in turn removes the barriers to transportation and offsite re-use.

## **2. Risk Management**

Given the appetite of the WA Government to move to a risk-based planning and regulatory approach it appears that the level of risk associated with K100 category wastes (animal effluent and residues) remains too high within the existing Regulations. The Australian pork industry has been reusing piggery effluent on farm to produce crops over many decades. To date, APL is unaware of any human or environmental health incident that has occurred as a direct result of the transportation or use of pig effluent as a fertiliser. If the WA Government is aware of any such incidents, then APL would be keen to understand the nature of these.

APL cautions the government of imposing heightened risk levels to products such as animal effluent given the mandate to improve re-use of 'waste' products and reduce waste to landfill through improved landfill practices and incentives, and by using economic instruments to support the financial viability of actions that divert waste from landfill and recover it as a resource.

## **3. Alignment to Other Policy Instruments and Strategies**

APL supports the waste management policy principles currently being implemented by the WA Government. Improving the effectiveness of planning for long-term waste management and encouraging the reuse of natural by-products such as pig effluent in the place of manufactured fertiliser products should be one of the quick wins for the government through processes such as the review of the Regulations.

It would seem contradictory to the WA Government's policy principles championed in the Western Australian Waste Strategy: "Creating the Right Environment", if existing barriers to the use of animal waste by-products are not removed and support given to encourage such behaviour. The highly restrictive and costly existing approaches to managing animal effluent in WA is removing the opportunity to utilise high-quality and cost-effective solutions such as effluent management and re-use in the primary production sector.

## **4. Adoption of National Industry Standards and Guidelines**

As you may be aware, the pig industry has recognised industry standards for both indoor pig production (National Environmental Guidelines for Piggeries) and outdoor pig production (National Environmental Guideline for Rotational Outdoor Piggeries) which provide industry-specific guidance relevant to pig production. Waste management is one of the main topics that is covered at length in these guidelines and has a hierarchy whereby disposal is considered a last resort option with prevention, reuse and recycling being the top-order options.

APL would be happy to discuss the comments provided and the approach for implementing the guideline. Should you require further information or have any questions, please contact Grantley Butterfield on 02 6270 8820 or [grantley.butterfield@australianpork.com.au](mailto:grantley.butterfield@australianpork.com.au).

Yours sincerely



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