

Motor Trades Association of Australia

Ms Kelly Pearce
Assistant Secretary, Waste Policy Branch
Department of Environment, Water, Heritage and the Arts
GPO Box 787
CANBERRA ACT 2601

Via email: wastepolicy@environment.gov.au

Dear Ms Pearce

I am writing to you on behalf of the Motor Trades Association of Australia (MTAA). MTAA welcomes this opportunity to submit comments to the Department of Environment, Water, Heritage and the Arts on the draft national waste policy framework.

MTAA is a federation of the various state and territory motor trades associations as well as the New South Wales based Service Station Association Ltd (SSA) and the Australian Automobile Dealers Association (AADA). MTAA also has a number of Affiliated Trade Associations (ATAs), which represent particular sub-sectors of the retail motor trades, ranging from motor vehicle body repair to automotive parts recycling.

As the peak national representative organisation for the retail, service and repair sector of the Australian automotive industry, MTAA is acutely aware of the position of the retail motor trades within the broader waste stream. The Association, its Member bodies and their members all take their environmental responsibilities very seriously and are active participants at all levels of resource management from strategic policy development to practical, workplace-based operational practices. For example, MTAA is an active participant in the Tyres Roundtables that have been instrumental in the development of the proposed Tyre Product Stewardship Scheme (TPSS). MTAA supports in principle, therefore, the development of a national waste policy framework as outlined in the Discussion Paper released by the Department titled, "*National Waste Policy Framework – Less Waste More Resources.*"

The Association's comments on that Discussion Paper are broad in nature and not specifically addressed to any particular aspect of it. MTAA has long held the view, however, that any measures of this sort need to be all encompassing. That is to say that any actual regulatory or legislative requirements arising from such a framework, or those responses guided by it, need to be equally applicable across all levels of the market and the sectors of the economy.

This is not to exclude the need for responses to be made that target specific issues or particular areas in need of a response developed specifically for it (such as the TPSS). Rather, it is to say that the framework needs to ensure that all industries and sectors of the economy need to be considered equally from the perspective of what contribution each can make to the attainment of waste policy objectives and outcomes.

MTAA would also make the more general comment that policy and regulatory responses predicated upon voluntary participation seem to be less than optimal in their operation. In the first instance, matters of compliance can be problematic within voluntary regimes, as participants in those regimes may have the opportunity to chose if they are so, or not, at will. Second, the very fact that a regime may be voluntary places no real demand upon entities to participate. Finally, voluntary regimes can also be compromised in so far as their ability to administer penalties is often limited.


The other issue that can arise with voluntary schemes is that they can result in an 'unlevel' playing field developing in the market. That is, there are those businesses that might choose to 'do the right thing' in terms of waste management and the environment that can sometimes face increased costs for doing so. These costs may not be able to be passed on in the market to consumers because competitor businesses see no reason or advantage in 'doing the right thing.'

While the Association has never been (and likely never will be) a proponent of increased regulatory burden, the fact remains that it is the state that has the coercive powers to ensure specific waste management and environmental objectives are met. In that context and as some illustration, it might be preferred if, for example, the intended operation of the National Environment Protection Measures (NEPM) that will underpin the TPSS were able to be viewed more as a 'safety net' type response than as a second line of defence for the TPSS Agreement itself.

The NEPMs – being a responsibility of the states and territories to administer – may, under the proposed TPSS arrangements, therefore, be subject to variance with respect to the 'intensity' with which they might be upheld or their effect pursued by the various jurisdictions, which must surely lead to inconsistent outcomes against policy objectives. In that context there is a real need to ensure that the regulatory tools used underpin and provide for the nationally consistent objectives that any policies in this area are seeking to achieve.

It is my hope that you find these comments instructive in your further development of the national waste policy, and I ask of you to contact me at any time of your convenience if you think I can provide you with any further information or if any matters I have raised would benefit from some clarification.

Yours sincerely



MICHAEL DELANEY
Executive Director

30 July 2009