



ACT
Government

Waste Regulation Unit Accountability Commitment June 2022

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We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people.
We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

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Our commitment

The Waste Manager is a statutory position established under the [Waste Management and Resource Recovery Act 2016](#) (the Act). The Act came into force in 2017 to promote and reward responsible practices in waste management and resource recovery. The aim of the Act is to maximise recycling and reuse, minimise landfilling, and to encourage investment, innovation, and best practice in the waste sectors.

The Waste Regulation section of Transport Canberra and City Services contains delegates of the Waste Manager and has a responsibility under the Act to regulate those conducting a waste activity business within the Territory.

Waste Regulation ensures that facilities and transporters in the Territory are appropriately licensed, registered and compliant with waste legislation.

Our commitment to you

- > We will be fair and transparent and provide reasons for decisions.
- > We will be respectful and courteous.
- > We will make timely decision.
- > You can ask for a review of our decisions even if they are not designated reviewable decision.

Engagement

Engage

- > We will perform our duties ethically, professionally, and efficiently, ensuring our integrity.
- > We will apply the [Waste Management and Resource Recovery Regulation 2017](#) (the Regulation) using the common law principals of natural justice and procedural fairness.
- > We will be consistent, transparent, and non-prejudicial in our advice, actions, and decisions.
- > We will be honest and treat you fairly and with respect, and we expect our staff members will be treated the same.
- > We aim to resolve disputes quickly and efficiently.
- > We expect you to treat us with respect whether communicating electronically, on the phone or in person.
- > We will stop your interaction with us if you use threatening, aggressive, inappropriate, or other behaviour we deem unacceptable.
- > If we stop your interaction with us because of your unacceptable behaviour we may only communicate with you electronically, via email.
- > If we decide to communicate with you electronically this may affect the timeliness of our actions and decisions.
- > We request all legal representatives contact us, in writing, via email tccs.wasteregulation@act.gov.au

Privacy

We will not release information on compliance, enforcement or reporting activities to the public unless it is necessary as part of the investigative process or required by law. We may publish summaries of our compliance and enforcement activities, including data reporting and outcomes, after matters have been resolved.

We will not disclose information that:

- > Prejudices a person's right to a fair hearing or legal process
- > Breaches the [Information Privacy Act 2014](#)
- > Impinges upon the privacy or safety of others involved in an investigation.

Complaints & Feedback

Regulators are required under the common law principles of natural justice and procedural fairness to provide those affected by its decisions to be forewarned of actions affecting them and a right to be heard.

If you have a complaint about

- > The professional conduct of a waste regulation staff member
- > A waste facility we regulate
- > An outcome of a regulatory decision we have made

Please refer your concerns to us. Your complaint will be treated in confidence and investigated in accordance with ACT Public Service Guidelines, policies, and standard operating procedures.

Making a complaint or providing feedback

tccs.wasteregulation@act.gov.au

02 6207 7845

Legislation

The following legislation is applicable to the function of the Waste Regulation unit and those conducting a waste activity business within the Territory.

- > [Waste Management and Resource Recovery Act 2016](#)
- > [Waste Management and Resource Recovery Regulation 2017](#)
- > [Information Privacy Act 2014](#)
- > [Magistrates Court \(Waste Management and Resource Recovery Infringement Notices\) Regulation 2017](#)
- > [Legislation Act 2001](#)
- > [Criminal Code 2002](#)
- > ACT legislation www.legislation.act.gov.au

Regulatory responses

Regulatory responses are prioritised based on

- > How the behaviour affects the objectives of the Regulation
- > The risk to public health, safety, and the environment.

This allows a degree of flexibility to ensure the right regulatory approach for the right situation.

For example, the mixture of a small amount of waste at a recycling drop off centre compared to the deliberate loss of waste that could otherwise have been recovered. While both activities are illegal, their respective impact levels, as well as the level of accountability, are different.

Are the behaviours deliberate or systemic?

Conduct which breaches the legislation is considered on a case-by-case basis and with consideration given to the circumstances of the conduct. Waste Regulation will apply the most appropriate regulatory tool to address the conduct and to achieve the desired regulatory outcome. This may include warnings, investigations, and fines.

Response model

Approach to enforcement and response level

The diagrams below illustrate Waste Regulation’s approach to fostering compliance and management of non-compliance. Waste Regulation encourages compliance through education but will apply escalating enforcement actions to those that demonstrate a disregard for the law and whose conduct has, or is likely, to cause harm to business, the community, or the environment.



