

# Waste Reduction and Other Regulation Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 160

made under the

*Environmental Protection Act 1994*  
*Waste Reduction and Recycling Act 2011*

## General Outline

### Short title

*Waste Reduction and Recycling and Other Regulation Amendment Regulation (No. 1) 2016*

### Authorising law

Section 580 of the *Environmental Protection Act 1994*  
Section 271 of the *Waste Reduction and Recycling Act 2011*

### Policy objectives and the reasons for them

The objectives of the regulation are to amend the *Environmental Protection Regulation 2008* and the *Waste Reduction and Recycling Regulation 2011* to extend the expiry of provisions relating to local government administration of waste management activities and to remove the expiry clause relating to the provisions concerning the Australian Packaging Covenant.

### Achievement of policy objectives

The policy objectives are to be achieved by amending existing sections of the *Environmental Protection Regulation 2008* and the *Waste Reduction and Recycling Regulation 2011* to extend the expiry of these sections until 1 July 2017 and to amend the *Waste Reduction and Recycling Regulation 2011* to remove the clause that expires the provisions that give effect to the National Environment Protection (Used Packaging Materials) Measure (NEPM).

## **Consistency with policy objectives of authorising legislation**

To the extent the Amendment Regulation amends the *Environmental Protection Regulation 2008*, it is consistent with the object of the *Environmental Protection Act 1994*, which is to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (ecologically sustainable development).

To the extent the Amendment Regulation amends the *Waste Reduction and Recycling Regulation 2011*, it is consistent with the object of the *Waste Reduction and Recycling Act 2011*, which is to:

- to promote waste avoidance and reduction, and resource recovery and efficiency actions
- to reduce the consumption of natural resources and minimise the disposal of waste by encouraging waste avoidance and the recovery, re-use and recycling of waste
- to minimise the overall impact of waste generation and disposal
- to ensure a shared responsibility between government, business and industry and the community in waste management and resource recovery
- to support and implement national frameworks, objectives and priorities for waste management and resource recovery.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

These amendments will not add to the administrative cost of the Queensland Government.

The extension of expiry for provisions in the *Environmental Protection Regulation 2008* and the *Waste Reduction and Recycling Regulation 2011* will allow local governments to continue to undertake waste management activities that are appropriate for the local government area. There are no additional costs associated with extending the expiry of these provisions

The removal of the expiry clause in relation to provisions that give effect to the NEPM will have no cost implications and will provide more certainty for brand owner signatories to the Australian Packaging Covenant that enforcement action against free-riders can be undertaken.

## **Consistency with fundamental legislative principles**

The *Legislative Standards Act 1992* was considered during the drafting of this regulation and the amendments are consistent with fundamental legislative principles.

## **Consultation**

Consultation was undertaken with local government and the waste industry in relation to the local government waste management provisions.

Removing the expiry clause in relation to the NEPM has no material effect. The provisions will cease to have effect if the NEPM or Australian Packaging Covenant no longer exist.

Consultation has been undertaken with the Office of Best Practice Regulation in determining that the amendments were excluded from the requirement to undertake a Regulatory Impact Statement.

## Notes on Provisions

### Clause 1 Short title

This clause states that the short title of this regulation is the *Waste Reduction and Recycling and Other Regulation Amendment Regulation (No. 1) 2016*.

### Clause 2 Regulation amended

This clause states that part 2 of this regulation amends the *Environmental Protection Regulation 2008*.

### Clause 3 Amendment of s81ZC (Application of ch 5A)

This clause amends the note to this section to omit 2016 and replace with 2017. The new expiry date for chapter 5A is 1 July 2017.

### Clause 4 Amendment of s81ZU (Expiry)

This clause amends section 81ZU to replace September 2016 with July 2017. The expiry date for this section is 1 July 2017.

### Clause 5 Regulation amended

This clause states that part 3 of this regulation amends the *Waste Reduction and Recycling Regulation 2011*.

### Clause 6 Amendment of s7A (Expiry)

This clause amends s7A of the *Waste Reduction and Recycling Regulation 2011* to omit September 2016 and replace with July 2017.

This relates to **Part 2A (Designation of areas by local governments for general or green waste collection)** and the ability for a local government to designate a waste collection area or areas in which the local government may conduct, and determine the frequency of, general waste or green waste collection.

The new expiry date for this part is 1 July 2017.

### Clause 7 Omission of pt5A, div 6 (Expiry)

This clause amends **Part 5A (Used packaging materials)** of the *Waste Reduction and Recycling Regulation 2011* to omit division 6, section 41W (Expiry).

The amendment means there is no longer an expiry clause in relation to this part. The part will cease to have effect if either the National Environment Protection (Used Packaging Materials) Measure or the Australian Packaging Covenant is no longer in force.