

Environmental Protection Amendment Regulation (No. 2) 2016

Explanatory notes for SL 2016 No. 172

made under the

Environmental Protection Act 1994

General Outline

Short title

Environmental Protection Amendment Regulation (No. 2.) 2016 (the Amendment Regulation)

Authorising law

Section 580 of the *Environmental Protection Act 1994*

Policy objectives and the reasons for them

The objectives of the regulation are to amend the *Environmental Protection Regulation 2008* to update the waste tracking provisions relating to the submission of prescribed information to administering authority and the reasonable fee associated with each submission.

Achievement of policy objectives

The policy objectives are to be achieved by amending existing sections of the *Environmental Protection Regulation 2008* to detail the three types of prescribed forms that the prescribed information can be submitted to the administering authority on, and the fees associated with the use of the different types of the prescribed forms.

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).

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 improve the administrative cost of the Queensland Government.

These amendments will now result in 100% of those involved in the waste industry in Queensland paying for its regulation, by introducing new prescribed forms, an alternative way to submit the prescribed forms, and a fee associated with each prescribed form. Historically, there has been an inequity in the fees charged across the waste industry, dependent upon how a waste operator submitted their prescribed information to the Department of Environment and Heritage Protection (the department). These amendments remedy this inequity.

Prescribed information has historically been submitted to the department in two ways: paper certificate (which each certificate has a fee attached) or bulk upload in a spreadsheet via email (where there is a once off application fee). This has been where the inequity has been created, as only those submitting paper certificates are being charged (this financial year a certificate is \$3.40). It also generates a significant amount of manual effort for the department to manually enter and verify the paper certificates, and to manually upload the bulk data. Neither of the current fees are indicative of the actual effort required by the department to regulate this industry.

These amendments align with the department's online system Connect being released, which will allow the waste industry to submit prescribed information to the department online. Connect will generate resource savings for those in the waste industry who choose to move tracking their waste online. These resource savings will primarily be time savings as operators will be able to more quickly and efficiently complete and submit waste certificates, access their operator details and also access their own waste data at any time.

There are three types of prescribed forms that are reflected in the amendment, and which have an associated reasonable fee attached to each:

- paper form with a reasonable fee of \$5.30;
- electronic form with a reasonable fee of \$3.10; and
- spreadsheet form with a reasonable fee of \$2.20 per transportation recorded in the spreadsheet.

The amendments also introduce a charge of \$2.20 per each transportation of trackable waste recorded in an approved form under an Approval of Ways (AOW) agreement with the department.

The amendments also make it a requirement for those submitting prescribed information in the spreadsheet to generate a unique identifier for each transportation of trackable waste recorded in the spreadsheet.

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

Extensive consultation was undertaken with waste industry stakeholders including the Waste Recycling Industry Association Queensland (WRIQ); Australian Council of Recycling (ACOR); and the Waste Management Association of Australia (WMAA).

This consultation was to demonstrate Connect, the benefits it will provide and to inform of the changes to the fees associated with the submission of information per waste movement. Endorsement was received by waste industry stakeholders. Feedback and submissions received through this consultation process were considered and effected where necessary, in improving the online waste tracking functionality in Connect.

A letter has also been disseminated through a direct email in July 2016 (hard copies posted where a valid email address was unavailable) to all waste related Environmental Authority holders with the department and the abovementioned key industry groups. This letter outlined the proposed changes to the fee structure and submission process of prescribed information, and contained two detailed factsheets. Recipients were invited to provide comments back to the department, and these comments have been considered and effected in how the department will provide guidance to the industry about the new structure of prescribed forms, Connect and fees.

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 *Environmental Protection Amendment Regulation (No. 2.) 2016*.

Clause 2 Regulation amended

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

Clause 3 Insertion of 81DA (Fee for giving prescribed information)

This clause inserts section 81DA to detail what the reasonable fee is relative to the type of prescribed form being used to submit the prescribed information to the administering authority. The section directly links to the amendments described at Clause 4.

This clause also explicitly details what the reasonable fee is for prescribed information being submitted to the administering authority by an approved form under section 81W.

The fee is only payable once during the transportation of a load of trackable waste. It is up to the three waste handlers involved in the movement (generator, transporter and receiver) to determine who will have the responsibility of paying the fee to the chief executive.

Clause 4 Amendment of s81F (Prescribed way of giving information)

This clause amends section 81F to detail the three types of forms that are available to submit prescribed information about the transportation of trackable waste to the administering authority. The amendment also details that the electronic form and the spreadsheet form are to be submitted to the administering authority through the online system.

This clause does not change how prescribed information is to be submitted to the administering authority if an alternative way has been approved under section 81W.

Clause 5 Amendment of s81G (Prescribed time for giving information)

This clause amends section 81G to explicitly detail the prescribed time for giving the prescribed information to the administering authority, dependant on which form is used. This amendment links directly with the amendments described at Clause 4.

Clause 6 Amendment of s81V (Giving information to administering authority)

This clause amends section 81V to require each prescribed form to have a unique identifier marked on the form. This amendment links directly with the amendments described at Clause 4.