

Waste Reduction and Recycling and Other Legislation Amendment Regulation (No. 1) 2017

Explanatory notes for SL 2017 No. 97

made under the

Environmental Protection Act 1994
Waste Reduction and Recycling Act 2011

General Outline

Short title

Waste Reduction and Recycling and Other Legislation Amendment Regulation (No. 1) 2017 (Amendment Regulation)

Authorising law

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

Policy objectives and the reasons for them

The objectives of the Amendment Regulation are to:

1. Amend the *Environmental Protection Regulation 2008* to extend the expiry of provisions relating to local government administration of waste management activities.
2. Amend the *Waste Reduction and Recycling Regulation 2011* to extend the expiry of provisions relating to local government administration of waste management activities.

The State currently regulates local government waste management under chapter 5A of the *Environmental Protection Regulation 2008* and part 2A of the *Waste Reduction and Recycling Regulation 2011*. Although the provisions are in these State regulations, they are currently devolved to local governments. Local governments are also able to make local laws to manage waste in their local government area and these laws can replicate the current State regulations.

These provisions were due to expire on 1 September 2016 and were extended by the *Waste Reduction and Other Regulation Amendment Regulation (No.1) 2016* to expire on 1 July 2017. They were incorporated into the *Environmental Protection Regulation 2008* and the *Waste Reduction and Recycling Regulation 2011* due to the expiry of the *Environmental Protection (Waste Management) Regulation 2000* in 2014. These provisions only continued in State legislation as a transitional measure to allow for local government waste management activities to continue while consultation could be undertaken with key stakeholders about alternative arrangements.

The further extension in 2016 was to allow local governments to continue to undertake these waste management activities for the local government area. A negotiated agreement has been reached with key stakeholders for a further extension of 12 months.

Achievement of policy objectives

The Amendment Regulation will achieve its objectives by:

- Amending existing provisions in chapter 5A of the *Environmental Protection Regulation 2008* to extend these expiry provisions until 1 July 2018.
- Amending existing provisions in part 2A of the *Waste Reduction and Recycling Regulation 2011* to extend these expiry provisions until 1 July 2018.

This is reasonable and appropriate because without an extension of the 1 July 2017 expiry date, all of the provisions about local government administration of waste management will expire.

Consistency with policy objectives of authorising law

To the extent that the Amendment Regulation amends the *Environmental Protection Regulation 2008*, the Amendment Regulation is consistent with the main objectives 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 that the Amendment Regulation amends the *Waste Reduction and Recycling Regulation 2011*, the Amendment Regulation is consistent with the main objectives of the *Waste Reduction and Recycling Act 2011*, that is, to:

- promote waste avoidance and reduction, and resource recovery and efficiency actions;
- 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; and

- 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.

Local governments can continue to undertake waste management activities that are appropriate for the local government area during this extension period.

There are no additional costs associated with extending the expiry of these provisions.

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

Local governments and the waste industry have been consulted about the extension of the expiry date for the local government waste management provisions. A negotiated agreement has been reached with key stakeholders for a further extension of 12 months.

Notes on provisions

Part 1 Preliminary

Clause 1 Short title

This clause states that the short title of this regulation is the *Waste Reduction and Recycling Regulation and Other Legislation Amendment Regulation (No.1) 2017*.

Part 2 – Amendment of *Environmental Protection Regulation 2008*

Clause 2 Regulation amended

Clause 2 states that Part 2 amends the *Environmental Protection Regulation 2008*.

Clause 3 Amendment of s 81ZC (Application of ch 5A)

Clause 3 amends the note in s81ZC to remove the expiry date of 1 July 2017 and replaces it with 1 July 2018. This updates the note to reflect the extended expiry date for ch 5A.

Clause 4 Amendment of s 81ZU (Expiry)

Clause 4 amends s81ZU to remove the expiry date of 1 July 2017 and replaces it with 1 July 2018. This extends the expiry date for the provisions in ch 5A. This provides for provisions relating to local government waste management, to remain in the State legislation for a further 12 months.

The new expiry date for ch 5A is 1 July 2018.

Part 3 Amendment of *Waste Reduction and Recycling Regulation 2011*

Clause 5 Regulation amended

Clause 5 states that part 3 amends the *Waste Reduction and Recycling Regulation 2011*.

Clause 6 Amendment of s 7A (Expiry)

Clause 6 amends s7A to remove the expiry date 1 July 2017 and replaces it with a new expiry date of 1 July 2018.

Section 7A provides for the expiry of part 2A s7 which relates to the designation of areas by local governments for general and green waste collection and the ability for local governments 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 collections.

The new expiry date for part 2A is 1 July 2018.