

# State Penalties Enforcement (Waste) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 133

made under the

*State Penalties Enforcement Act 1999*

## General Outline

### Short title

*State Penalties Enforcement (Waste) Amendment Regulation 2019*

### Authorising law

Section 165 of the *State Penalties Enforcement Act 1999*

### Policy objectives and the reasons for them

The *Waste Reduction and Recycling (Waste Levy) Amendment Act 2019* (the Amendment Act) received assent on 21 February 2019. The Amendment Act amends the *Waste Reduction and Recycling Act 2011* (WRR Act) to establish a head of power and framework for a levy on waste disposed to landfill into Queensland.

The *Waste Reduction and Recycling (Waste Levy) Amendment Regulation 2019* amends the *Waste Reduction and Recycling Regulation 2011* (WRR Regulation) to provide for a range of matters relevant to the administration and operation of the waste levy to be prescribed by WRR Regulation.

The amendments to the WRR Act and WRR Regulation also introduce a range of new offences to support enforcement of the waste levy framework. The new offences relate to obligation of operators of waste disposal sites including remitting waste levy, use of weighbridges, measuring waste, monitoring systems, waste data returns and record keeping.

In Queensland, the *State Penalties Enforcement Act 1999* (SPE Act) and its subordinate legislation, the *State Penalties Enforcement Regulation 2014* provide a framework for prescribing infringement notice offences and infringement notice fines.

Section 165(2) of the SPE Act provides that a regulation may prescribe an offence to be an infringement notice offence. Section 165(3) of the SPE Act provides that a regulation may prescribe an infringement notice fine for an infringement notice offence.

The consequential amendments to Schedule 1 of the *State Penalties Enforcement Regulation 2014* give effect to the prescribed penalty units for fines and infringement notices introduced by the Amendment Act.

## **Achievement of policy objectives**

The objective will be achieved by amending Schedule 1 of the *State Penalties Enforcement Regulation 2014* to include offences and infringement notice offences relating to the Waste Levy.

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

The Amendment Regulation is consistent with the objectives of the SPE Act.

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

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

## **Benefits and costs of implementation**

The amendments do not impose significant adverse impacts on the community, business or government. Only people who have committed an offence under the Waste Levy will be subject to the new penalties.

As the amendments are primarily administrative in nature and do not change policy intent, there are no additional costs to government.

## **Consistency with fundamental legislative principles**

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

## **Consultation**

External consultation was not undertaken on the Amendment Regulation due to the penalties being introduced by the Amendment Act. The amendments to the *State Penalties Enforcement Regulation 2014* are considered consequential and, therefore, further external consultation is not required.

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Environment and Science applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category g – regulatory proposals that are of a machinery nature).

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