



RIS Ref: DES1088-0519

File Ref: DOC19/2216

23 September 2019

Ms Laura Affleck  
Principal Policy Officer  
Department of Environment and Science  
400 George Street  
BRISBANE, QLD 4000

Dear Ms Affleck

## Consultation Regulatory Impact Statement—Local Government Waste Management Reforms

Thank you for your updated enquiry on 17 September 2019 seeking advice on the adequacy of the 'Local Government Waste Management Reforms' Consultation Regulatory Impact Statement (RIS).

### Background

The *Waste Reduction and Recycling Regulation 2011* (WRRR) and *Environmental Protection Regulation 2008* (EPR) (the regulations) provide a framework for the administration of local government waste management activities.

The WRRR allows local governments to designate areas for the collection of both general and green waste and determine the frequency of those collections. The EPR provides local governments with the ability to direct occupants in designated areas on where they can place their bin for collection, the types of wastes that can be placed in the bin, and when the bin is to be removed from the collection area.

The implementation of these provisions has resulted in some local governments, through local laws, limiting collection of general waste, including commercial waste, to collection by local government waste services. Some local governments are also charging commercial ratepayers mandatory utility charges for collection in these areas regardless of whether they use the service. Therefore, commercial ratepayers that do not wish to use Council services, are ultimately paying twice for waste management services.

### Proposal

The Department of Environment and Science (the department) has developed a consultation RIS to consider options to address issues with the way local governments implement the relevant sections of the regulations to their local government waste activities, while retaining state-wide regulations for the management of waste by local governments. The RIS presents the following options:

- Option 1: base case—maintain the status quo
  - enable local governments to continue to designate areas for general waste collection and charging commercial ratepayers mandatory fees for the collection of commercial waste
  - local governments will be able to continue to make local laws that replace chapter 6 of the EPR.
- Option 2: preferred—retain and amend the regulations to:
  - retain the ability for local governments to provide waste collection services for waste generated at domestic premises



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- restrict the designation of areas for the mandatory collection of waste by local governments to domestic premises
- provide flexibility for local governments to mandate collection of both commercial and domestic waste, but only in areas that meet particular criteria
- remove the ability to make local laws for waste management activities (that replace chapter 6 of the EPR) including transitional provisions to manage existing contracts and commercial arrangements and grandfather existing laws.

Additional options considered by the department as unfeasible are discussed in the consultation RIS.

The preferred option of the consultation RIS does not affect a local governments' ability to make local laws or levy general rates and utility charges for waste management services provided for under the *Local Government Act 2009*.

### Assessment of Consultation RIS

In assessing whether a Consultation RIS is adequate for the purposes of public consultation, the Queensland Productivity Commission (the Commission) has regard to the 'adequacy criteria' in the Queensland Government Guide to Better Regulation (the guidelines).

Based on these criteria the Commission considers that the RIS adequately presents the department's assessment of the issues. The RIS provides analysis and quantification of the estimated impacts of the options on affected local councils, and a qualitative assessment of the impacts to community and industry stakeholders.

Given these points, the Commission considers the consultation RIS is adequate for the purposes of public consultation. Consultation with stakeholders will likely assist the department to further develop the policy, including:

- whether any alternative options which achieve the policy objective should be considered
- verifying the analysis undertaken and whether the proposal will have any unforeseen adverse impacts on local governments, industry or the community
- whether the proposal is likely to provide a net benefit to the community.

Consistent with the guidelines, once a Consultation RIS has been approved for release it is published on the Commission's website along with this letter. After consultation has concluded, a decision RIS incorporating the consideration of public comments should be provided to the Commission for assessment of adequacy before the matter is finally referred to Cabinet for decision.

Please contact Sean Mackay, Principal Analyst on (07) 3015 5149 if you require any additional information or guidance in relation to the above comments or the guidelines in general.

Yours sincerely



**Christine Tozer**  
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