



30 June 2017

Committee Secretary  
Agriculture and Environment Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

email: [aec@parliament.qld.gov.au](mailto:aec@parliament.qld.gov.au)

Dear Sir/Madam

**LGAQ Submission on the *Waste Reduction and Recycling Amendment Bill 2017***

The Local Government Association of Queensland (LGAQ) welcomes the opportunity to provide a submission to assist the Agriculture and Environment Committee's detailed consideration of the *Waste Reduction and Recycling Amendment Bill 2017*.

The Bill proposes to amend the *Waste Reduction and Recycling Act 2011*. The objectives of the Bill are to provide a head of power for the introduction of a lightweight plastic shopping bag ban and container refund scheme (CRS).

The LGAQ has consulted with Queensland councils that are actively engaged in a range of waste management and resource recovery activities. The enclosed submission is provided for the Committee's consideration.

If you have any questions regarding the matters raised in this submission, please do not hesitate to contact Mr Robert Ferguson, LGAQ - Senior Advisor – Environmental and Public Health, on [REDACTED] or via email at [REDACTED]

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

GREG HALLAM PSM  
CHIEF EXECUTIVE OFFICER



***Waste Reduction and Recycling Amendment  
Bill 2017***

**LGAQ Submission**

**Local Government Association of Queensland Ltd**

**30 June 2017**

The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association setup solely to serve councils and their individual needs. The LGAQ has been advising, supporting and representing local councils since 1896, allowing them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places that count: supporting their drive to innovate and improve service delivery through smart services and sustainable solutions and delivering them the means to achieve community: professional and political excellence.

## 1. General

The Local Government Association of Queensland (LGAQ) welcomes the opportunity to provide a submission to assist the Agriculture and Environment Committee's detailed consideration of the *Waste Reduction and Recycling Amendment Bill 2017*.

The LGAQ supports the Queensland Government's commitment towards implementing a ban on lightweight plastic shopping bags, the introduction of a state-wide container refund scheme (CRS) and amendments to End of Waste codes.

The Bill proposes to amend the *Waste Reduction and Recycling Act 2011* and provide a head of power for the introduction of a lightweight plastic shopping bag ban and container refund scheme.

The LGAQ has consulted with Queensland councils that are actively engaged in a range of waste management and resource recovery activities. The following comments and recommendations are provided for the Committee's consideration.

## 2. Response to the Bill

### **Plastic shopping bag bans**

The LGAQ welcomes the Queensland Government's commitment towards a ban on the supply of lightweight single-use plastic bags.

The LGAQ policy position in relation to plastic bags that was carried at the 2016 LGAQ Conference states:

*'That the Local Government Association of Queensland lobby the State Government to ban the sale and provision of single use lightweight non-biodegradable plastic shopping bags'.*

The LGAQ wrote to Hon. Steven Miles MP, Minister for Environment and Heritage Protection on 4 November 2016 supporting the introduction of a ban on single-use plastic bags.

The introduction of a ban on single-use plastic bags will assist councils to:

- Reduce windblown litter at landfills and the costs of controlling this issue on site;
- Reduce plastic bag contamination in recycling bin collections, assisting councils to maintain lower levels of contamination and meet Material Recovery Facility (MRF) targets;
- Reduce lightweight plastic bag litter in public places and waterways, resulting in a small reduction in the cost of litter control but a significant gain in protecting the marine environment from plastic pollution; and
- Manage stormwater network blockages, reducing the cost of repairs and maintenance.

### 2.1 Education and awareness

Education and community awareness are critical in the transition to the introduction of plastic bag bans across Queensland and should be coordinated by the State Government. To assist in the preparedness of both the community and business sectors, consideration to a 6-12 month transition period would assist in a seamless transition and not be overly reliant on the enforcement of a legislative ban by the Queensland Government.

The explanatory notes (p8) reinforce the intent of the ban is to move behavior away from the use of single-use plastic bags and towards reusable alternatives. This requires a range of communication, education and awareness strategies over a suitable transition period.

#### **Recommendation 1:**

The LGAQ recommends that education and awareness responsibilities are coordinated by the State Government and that a transitional arrangement is considered through regulation to achieve a seamless transition to a state-wide ban on plastic shopping bags.

### 2.2 Head of Power and compliance responsibilities (s99D, s99E)

The Bill introduces the head of power for the plastic bag ban and includes new penalties under s99D (retailer not to give banned plastic shopping bag to customer) and s99E (retailer must not give false or misleading information about a shopping bag).

The explanatory notes indicate that any costs associated with the implementation of the plastic bag ban are expected to be minimal and that the costs to government are largely expected to be in the preparation and delivery of community and retailer awareness. The Bill and explanatory notes are silent on how these new provisions are to be enforced.

The LGAQ rejects any additional compliance responsibilities and cost shift to local government to enforce these provisions.

**Recommendation 2:**

The LGAQ recommends that the government clarifies that compliance and enforcement responsibilities are a State Government responsibility with no devolution and cost shift to local government.

**Container Refund Scheme (CRS)**

The LGAQ acknowledges the State Government's support for existing kerbside recycling services delivered by 33 Queensland councils and the introduction of a CRS is intended to complement and not replace kerbside recycling by focusing on the recovery and recycling of away-from-home consumption of beverages and not those consumed at home (s99H).

The LGAQ is committed to continue its work as a member of the CRS Advisory Group and its ongoing involvement with the Local Government Sector Working Group.

The LGAQ policy position in relation to the introduction of a container refund scheme that was adopted at the 2015 LGAQ Conference states:

*'Local government will only support the introduction of Container Deposit Legislation (CDL) subject to:*

- 1. there being no negative financial impact on individual council waste and recycling operations and/or current contractual arrangements,*
- 2. there being full consultation and agreement with local governments in relation to the location and installation of container collection infrastructure,*
- 3. councils and council contractors not being excluded from claiming the container deposit refund on eligible containers collected through kerbside or other recycling collection arrangements, and*
- 4. councils not being directed by the State Government but retaining the right to determine whether or not they establish and operate container collection centres'.*

**2.3 Infrastructure and accessibility**

Queensland is faced with significant challenges to achieve an accessible state-wide scheme including transport costs, tyranny of distance, markets for commodities, quarantine and waste infrastructure requirements. Storage and consolidation of eligible containers in regional and remote communities is critical to the success of establishing a truly state-wide scheme. The provision of waste infrastructure at key geographic locations and regional hubs would assist to address these challenges.

Many councils are ideally placed to assist with these challenges, however the costs associated in setting up consolidation points would require significant investment including secure storage facilities and baling equipment.

The explanatory notes (p2) indicate that small scale grants for the provision of infrastructure would be made available to assist local government and communities.

Even though councils must retain discretion in whether they proactively participate in the CRS, financial assistance is supported and welcomed as local governments are often considered the 'provider of last resort'.

**Recommendation 3:**

The LGAQ recommends Committee acknowledges and supports the need for the provision of small scale infrastructure grants for local government to assist with funding the provision of waste infrastructure for councils participating in the scheme.

**2.4 Refund payments (s99V)**

Councils or their material recovery facility (MRF) operators who choose actively to participate in the CRS would be influenced by a scheme that provides ease of access to a range of payment options with collection refund points not necessarily having to handle large quantities of money. PayPal, account credits, vouchers and charity donations should all be considered and integrated in the development of payment options for the scheme.

**Recommendation 4:**

The LGAQ supports s99V that identifies a range of payment options for refund payments for containers presented at container refund points.

**2.5 Planning implications - container refund points**

The implementation of a CRS that is accessible across Queensland will depend on the distribution of container refund points, container donation points and network operators. The establishment of regional hubs will assist in these accessibility challenges.

However, it has been highlighted through discussions with the department that an accessible Queensland scheme would require in excess of 300 container refund points. This does not take into account the number of community and social enterprises that will choose to enter the scheme and operate as container donation points. Councils have expressed concern that some locations may pose a challenge in relation to their impacts on local amenity and safety due to their size and scale and may potentially trigger planning processes in specific localities/precincts.

The LGAQ supports a practical and pragmatic approach to these concerns and is currently working with the State Government to develop a range of solutions to these concerns.

**Recommendation 5:**

The LGAQ recommends that the department partners with LGAQ and councils to develop appropriate planning instruments to support the introduction of a state-wide CRS in 2018.

**2.6 Extraordinary circumstances exemption (s99ZY)**

The Bill outlines the *extraordinary circumstances exemption* s99ZY, which makes an allowance for a collector to not recycle some loads of refunded materials in certain circumstances. The example given is for contaminated materials (flooding), however it would be the expectation of local government that this provision would also provide an extraordinary exemption in the situation where a recycling market suddenly disappears or no stable recycling market exists such as glass.

The concern over the lack of viable markets for MRF comingled glass is a significant challenge for councils. It is expected that CRS glass will be a cleaner product and as such will be more highly sought after by the resource recovery industry than glass generated through a kerbside collection.

It is understood that the intent of a CRS is to find beneficial use opportunities across Queensland, however this represents a critical challenge for the State Government to find a sustainable solution to this significant problem. The provision of extraordinary circumstances exemptions (s99ZY) does provide some surety if these challenges are exacerbated by significant changes to market conditions.

Exclusion of eligible comingled MRF glass from kerbside collections and not redeemed through a CRS, fails to meet the LGAQ policy position that '*councils and council contractors not being excluded from claiming the container deposit refund on eligible containers collected through kerbside or other recycling collection arrangements*'.

**Recommendation 6:**

The LGAQ recommends that in s99ZY(3)(a), 'and' be replaced with 'or' so that the decision to allow an exemption may be made on the basis of (a) only or (b) only.

(3) *The chief executive may grant the exemption if satisfied—*

(a) *the container has become unsuitable to be recycled; ~~and or~~*

(b) *the circumstances that caused the container to become unsuitable to be recycled were extraordinary*

**2.7 Disposal of containers to landfill (s99ZD, s99ZX)**

The Bill introduces an offence where a collection point operator must not send refunded material to landfill (s99ZD). It is also an offence if a collection point operator knows or has a suspicion that the recycling contractor landfills the sent recyclable material (s99ZX).

A defence is provided if an unrecyclable part of the refunded material is landfilled by the recycling contractor. However, there is no available defence for a collection point operator, if the refunded material is sent to a recycling contractor and, totally unknown (with no suspicion) to the collection point operator, they landfill the refunded material.

**Recommendation 7:**

The LGAQ recommends that s99ZD and s99ZX be amended to provide a defence for collection point operators, if the refunded material is sent to a recycling contractor and, totally unknown (with no suspicion) to the collection point operator, they landfill the refunded material.

**2.8 Transitional contractual arrangements**

Impacts on MRFs remain an important factor in the introduction of a CRS in Queensland. Existing contractual arrangements between councils and MRF operators as well as new agreements following the introduction of a CRS will present considerable challenges for a number of councils.

Councils or their MRF operators may choose to either continue their operations unchanged or give consideration to operate as a collection refund point or more broadly as a regional hub or network operator.

The LGAQ undertook research in late 2016 to undertake a financial impact assessment of a CRS on the kerbside recycling schemes of Queensland councils.

The impact assessment identified a large number of uncertainties associated with the introduction of a CRS. As such, a variety of assumptions were made regarding how the scheme would need to operate to ensure existing Materials Recovery Facility (MRF) operations were not negatively impacted.

The assessment indicated variations to a range of assumptions would have a significant impact on the financial impacts on MRFs and councils.

Furthermore, the LGAQ policy position states that *'Local government will only support the introduction of Container Deposit Legislation (CDL) subject to there being no negative financial impact on individual council waste and recycling operations and/or current contractual arrangements.'*

Any significant loss of commodity from existing MRF operations is a risk and must be addressed by the State Government if the redemption from eligible containers does not adequately compensate for this commodity loss.

**Recommendation 8:**

The LGAQ recommends the department investigate the inclusion of statutory transitional provisions that indemnify existing contractual arrangements and remove the potential of litigation and associated financial impacts on councils caused by the loss of volumes from Material Recovery Facility (MRF) operations.

**2.9 Scavenging**

Scavenging from existing kerbside recycling collections has been identified as a concern for councils. Due to its state-wide implications, a range of compliance and legislative responses may be required in the Bill or subordinate legislation.

**Recommendation 9:**

The LGAQ recommends the department investigate the inclusion of legislative provisions in the Bill or subordinate legislation to address any potential scavenging concerns.

Should you have any further questions regarding the Association's submission, please don't hesitate to contact Robert Ferguson, Senior Advisor – Environmental and Public Health on [REDACTED] or via email at [REDACTED]