

31 August 2011

Our ref: 4794752

The Research Director
Environment, Agriculture, Resources and Energy Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Sir/Madam,

Submission to the Review of the *Waste Reduction and Recycling Bill 2011*

Toowoomba Regional Council (TRC) supports the management and reduction of waste and the increasing use of recycling over time. In fact we have been highly pro-active in this area, through the adoption of the 5-year Toowoomba Regional Waste Management Plan, as acknowledged by Minister Darling in her letter to Mayor Peter Taylor on 4 August 2011:

"... I recognize that considerable work has been undertaken by you to map out a strategic direction for waste management. You are to be congratulated for taking a proactive and strategic direction toward the management and rationalisation of your waste facilities. I would hope that other councils would take the opportunity to learn from your experiences."

However, the reality is that the rapid implementation of the State Government Waste Levy through the agency of the *Waste Reduction and Recycling Bill* has put the proper and efficient implementation of that Plan at risk and will unfairly penalise the citizens and industries in our region. This is because:

- **The Toowoomba Region is unique among those covered by the *Bill*.**
 - The Toowoomba Region was formed from the amalgamation of eight former local government areas (the most for any amalgamation in Queensland), seven of which are rural zones containing widely distributed small communities.
 - As such, it contains a large number of historically unmanned landfill sites, requiring a staged approach to closure, rehabilitation or conversion to modern sites.


- TRC owns and operates all its sites, in contrast to large councils to our east whose waste management services are contracted out to commercial businesses, and for whom the majority of sites are already well equipped with weighbridges, etc, requiring minimal work to become Levy-ready.
 - Owing to the massive task ahead, TRC must have a full 5 years to implement its Plan. If not, then untenably high rate increases will be needed to bring forward all this work.
 - If forced to do this, we have to press the State to provide resources in the order of \$1.85 M which is purely to bring forward work to be Levy-ready.
- **The impact of the Waste Levy will be economically non-viable in the Toowoomba Region**
 - The Waste Levy is a hidden State tax. The *Bill* prohibits councils from itemising waste disposal charges so that landfill users can appreciate what is going to their council and what to the state.
 - Aggravated by this concealment, it will strip our council's own revenue-raising capability. Industry, especially small to medium businesses, firstly only see the gate fee so do not differentiate how the charges are arrived at, and secondly will not tolerate massive increases in waste disposal charges. Any increases we planned to introduce to fund our Waste Management Plan will be difficult to justify and likely no longer be sustained. This undermines the capacity of Council to implement improved waste practices.
 - This suggests that for at least an interim period while Council's Waste Management Plan is implemented that Council retain all levies, or be separately funded by the State to underpin our waste management upgrade. The problem is that the State is only offering partial funding to become Levy-ready, and in our case, far too little especially given the challenges both financial and logistical that are associated with amalgamating 8 former Local Government Areas.
- **If a Levy is to be charged, 100% of the proceeds must be hypothecated to waste management activities including avoidance, redirection and recycling.**
 - For our local government area, if not for all, 100% of Levy proceeds should not only be dedicated to waste management applications, but should stay with Council. It does not help achieve the improvements we are targeting to have funds redirected to supporting state bureaucracies, nor diverted to other political agendas, such as the acquisition of new national parks, admirable though this may be in its own right. What is achieved by adding

another level of administration or removing funding from the core objective of reducing waste to landfill? TRC has shown it is committed to adapting to appropriate modern practices; we are happy to be accountable for outcomes, but not without the resources to achieve them.

- **The only other alternatives are to either exclude TRC from the action of the *Bill*, or at the very least postpone its application to TRC for 5 years.**
- **It should be noted that TRC's fundamental position is that it objects in principle to the introduction of a state-imposed waste tax.**
- **In the worst case scenario, where TRC is forced to introduce the Waste Levy on 1 December 2011, certain assurances provided by DERM or Ministerial officers need to be written in to the legislation or relevant regulations, or at the very least confirmed in writing by the Minister. These include:**
 - Exemption of farm waste (treated as MSW) whether household or generated as part of the farm operation, other than that from an ERA operating on the property.
 - Exercise of a risk-based approach to compliance at unstaffed sites where LGs can demonstrate that all reasonable and practical measures have been taken to comply with Levy requirements (eg signage). This approach is not to be time-limited.
 - Exemption of non-MSW waste dumped illegally at MSW-only unstaffed sites, again provided appropriate measures are taken.
 - Furthermore, another measure not yet promised is essential – that clean fill introduced or accepted by councils for daily cover, intermediate cover and capping at landfills must also be exempt from the Levy.

I trust this submission will help you in your review of the *Waste Reduction and Recycling Bill 2011*. Our council and its waste professionals stand ready to assist you further in any way to address the shortcomings of this legislation.

Yours sincerely,



Ken Gouldthorp
Chief Executive Officer