

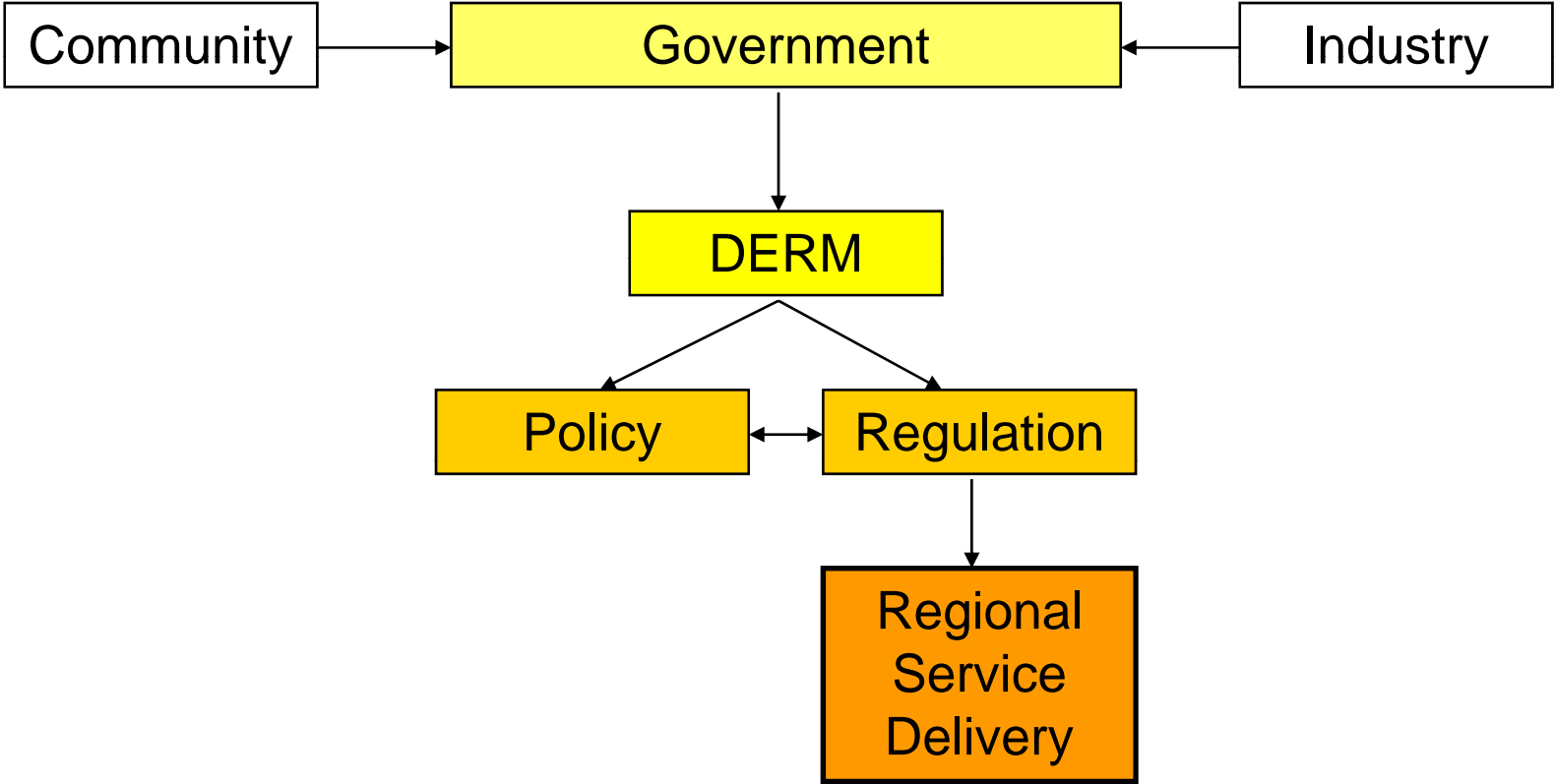
Waste Industry Stakeholder Forum for the Future

Regulation

Dr Glen Brown
Regional Service Delivery

18 November 2009

Department of **Environment and Resource Management**
Conserving and managing Queensland's environment and natural resources



Legislation re: waste

Environmental Protection Act 1994

- Ecologically sustainable development
- General Environmental Duty

Environmental Protection Regulation 2008

- Environmentally Relevant Activities

Environmental Protection (Waste Management) Policy 2000

- To achieve object of EP Act in relation to waste management

Environmental Protection (Waste Management) Regulation 2000

- Sets out requirements for managing certain wastes

Key regulatory services

Licensing (environmental impact assessment, development assessment, conditioning, dealings with approvals)

Compliance

- Reactive (complaint response/ service requests)
- Proactive (inspections and projects)

Responding to non-compliance

- Enforcement Guidelines
- Response must be appropriate and proportionate
- Escalation path
- Legislative requirements
 - Grounds (Facts and circumstances exist)
 - Evidence
- Review and Appeal rights

Challenges

- Waste industry is constantly evolving
- Community expectations
- Industry expectations
- Best practice is not an end point
- Competitiveness within the waste industry
- Many wastes present some big environmental risks
- Recalcitrants
- Integrated Planning Act offences

Opportunities

- Move from prescription to outcome-focus
- Self regulation
- Codes of compliance
- Partnerships with Local Government to deal with illegal operators

Department of Environment and Resource Management
Conserving and managing Queensland's environment and natural resources

Responding to non-compliance – Case Study

- WCRAQ member advises EPA that a former customer (unidentified) told him (the member) that chicken processing waste had been delivered to a dam at a composting facility.
- The member:
 - Asserts that the law has been broken;
 - Asks that an EPO be issued as a minimum response;
 - Asks that the EPA inspect on the day of complaint/ service request;
 - Seeks confirmation that contaminants have not been released to the receiving environment and other information regarding the EPA's regulatory response.

Case Study continued

- EPA:
 - Needs to investigate
 - Compliance inspection
 - Talk to 'witness' (he refuses to be identified) – no evidentiary value
 - Needs to determine appropriate response in accordance with Enforcement Guidelines
 - If an EPO was considered...
 - Likely grounds – GED or DA – need to establish with evidence
 - Standard Criteria
 - Requirement – what and when (more time)
 - Administrative Decision Making
 - Review and Appeal
 - Judicial Review
 - Must comply with law regarding provision of information
 - Administrative Access and FOI