



Mr Jamie Merrick
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Department of Environment and Science
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4 February 2022

Dear Mr Merrick

Re: Independent EPA consultation

Thank you for the opportunity to participate in the Queensland government's independent Environmental Protection Agency (EPA) consultation.

The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia's \$15.5 billion waste and resource recovery (WARR) industry. With more than 2,000 members from over 500 entities nationwide, we represent the breadth and depth of the sector, within business organisations, the three (3) tiers of government, universities, and NGOs.

WMRR's members play a significant role in activities fundamental to the success of the Australian economy, including in infrastructure investment, collections, manufacturing of valuable products from resource recovered materials, energy recovery, community engagement and education, and responsible management of residual waste.

In Queensland, the WARR sector employs more than 11,800 Queenslanders and contributes \$1.5 billion to the state economy. WMRR's purpose is to lead the continued growth and success of our essential industry in Queensland and around Australia. This includes supporting the transition to more sustainable material management pathways that capture value and create economic opportunities, while protecting human and environmental health.

WMRR acknowledges at the outset that this initial paper only outlines basic information about environmental regulation and independence, and that the government is continuing its research and modelling work as it investigates the viability of an independent EPA, including in areas such as jurisdictional benchmarking and identification and analysis of potential governance models. WMRR notes that these efforts will culminate in a discussion paper for detailed consultation with stakeholders in February 2022, and we look forward to engaging with the government throughout this process.

While WMRR is aware that the current consultation is targeted to the community, with the survey aimed at evaluating community sentiment towards an independent EPA model, WMRR has prepared some high-level comments in the hope that these will assist in informing the government's decisions.

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In essence, WMRR does not consider that the formation of an independent EPA is the overriding priority for Queensland; instead, the government should focus its efforts on developing a strong strategic approach towards policy, regulatory, and importantly, market development for post-consumer recycle, which is lacking significantly in the state. It is important to note that this absence of market demand and pathways to go circular is hampering investment in the state. To this end we have prepared a model reflecting this for consideration by government.

WMRR's comments can be found below. Please do not hesitate to contact the undersigned if you would like to further discuss WMRR's feedback.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Gayle Sloan'.

Gayle Sloan

Chief Executive Officer

Waste Management and Resource Recovery Association of Australia



SUBMISSION

WMRR acknowledges that investigating the viability of an independent EPA in Queensland was one of the government's 2020 election commitments. While there are ongoing challenges in the state's current regulatory approach, WMRR believes that splitting the regulatory functions from DES may not be, firstly, the best way to solve current issues, does not future-proof the state's WARR industry, nor does it add value to Queensland's circular ambitions.

Queensland, like other jurisdictions around Australia, is working to create a low-waste circular and sustainable society and to do so requires the government to have a strategic approach towards market development and sustainable material management, as well as policies and regulations in place that will support this. What is needed are integrated solutions across the entire supply chain of all sectors to move Queensland from a linear economy to one that is based on circular principles. As such, solely increasing the regulatory focus on WARR as an end-of-pipe solution, without similar (or arguably, greater) focus on creating the framework in Queensland that will drive valuing material and seeing waste as something to be avoided, and recycle as secondary raw material, therefore driving market demand for recycled, reprocessed, and remanufactured products, will only lead to a continued linear approach to material management and increased compliance costs, as well as potentially, stockpiling, and landfilling activities, with no clear transition towards either resource recovery or circularity.

Instead of setting up an independent EPA that will take the regulatory functions out of DES, WMRR is proposing the government considers what features and functions are necessary (and currently lacking) to enable both a strong strategic and operational approach towards policy and regulatory functions, as well as efforts to achieve both a circular economy in Queensland and strong market development.

WMRR advocates that there is a significant need for a split between a strategic planning and market development agency in Queensland, as well as a highly functioning regulatory body that includes operational and regulatory policy, as well as compliance; the names/labels of these two separate (2) bodies are irrelevant as the focus should be on their functions and roles. This model operates at present in South Australia, with the creation and existence of Green Industries SA. A similar body was contemplated in Queensland approximately four (4) years ago; however it never progressed and unfortunately, it was proposed to also be within DES.

The separate market agency department should have responsibility for WARR grant funding; WMRR argues that WARR funding, including grant development and allocation, is the remit of this body and not State Development as proven by ongoing challenges to-date in relation to timing, relevance and engagement. It should also have oversight of strategic policy development and be the conduit between industries (including and beyond WARR) and government. Meanwhile, the regulatory function, including operational compliance, development and implementation of regulations, as well as detailing and oversight of the regulatory framework, should remain with DES/the regulatory body, which must then develop robust processes and frameworks to codify, roll-out, and enforce these regulations, ensuring that there is consistent and transparent application of regulations.

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To ensure clarity, accountability, and effectiveness of these two (2) bodies, WMRR suggests that they both be governed by independent Boards that report to the Minister (this is in fact the case in SA where both the EPA and GISA have independent Boards). WMRR’s proposed functional chart, which includes a broad allocation of functions, can be found below. Significantly, the government must appropriately resource these bodies, articulating early the roles and responsibilities within each, and ensuring they have the core capabilities required to deliver the government’s objectives for industry, community, and the environment. These capabilities must include WARR knowledge and expertise, including in commercial matters, procurement, and other operational and technical aspects.

