

Independent Environmental Protection Agency (EPA) consultation

Question	WMRR's response
<p>1. Please rank in order of priority what you think are the most important factors for an environmental regulator? Rank 1-6, where 1 is "top priority".</p> <ul style="list-style-type: none"> • Independence (decisions the regulator makes are not subject to external influence) • Accountability (the regulator's roles, responsibilities, and decisions are clear and transparent) • Financial (the funding for the regulator is stable) • Efficiency (the regulator's services are delivered efficiently) • Effectiveness (the regulator's actual achievement against the objectives of the government and environmental legislation) • Economic (the regulator enables sustainable development) 	<ol style="list-style-type: none"> 1. Accountability 2. Effectiveness 3. Efficiency 4. Economic 5. Independence 6. Financial
<p>2. How much do you agree that adopting the EPA brand would improve awareness of the role of Queensland's environmental regulator?</p> <ul style="list-style-type: none"> • Strongly agree • Agree • Neither agree nor disagree • Disagree • Strongly disagree • Not sure 	<p>Agree</p>
<p>3. How much do you agree that establishing an EPA as an independent organisational form would improve the independence of the environmental regulator?</p> <ul style="list-style-type: none"> • Strongly agree • Agree • Neither agree nor disagree • Disagree • Strongly disagree 	<p>Agree</p>

<ul style="list-style-type: none"> • Not sure 	
<p>4. How much do you agree that an independent organisational form would improve community confidence in the integrity of the environmental regulator?</p> <ul style="list-style-type: none"> • Strongly agree • Agree • Neither agree nor disagree • Disagree • Strongly disagree • Not sure 	Neither agree nor disagree
<p>5. How important is it to you that a regulator providing oversight to both public and private entities is established in a form that is independent and at 'arms' length' from government?</p> <ul style="list-style-type: none"> • Very important • Important • Neutral • Not important • Not at all important • Not sure 	Not important
<p>6. How much do you agree establishing a Board to oversee an independent EPA would improve accountability?</p> <ul style="list-style-type: none"> • Strongly agree • Agree • Neither agree nor disagree • Disagree • Strongly disagree • Not sure 	Strongly agree
<p>7. If Queensland were to adopt a model with a Board or Committee, what areas of expertise do you think are most important to be represented? Rank in order of 1-9 where 1 is 'top priority'.</p> <ul style="list-style-type: none"> • Business/industry • Cultural • Environmental/natural resource management • Finance/accounting • Legal 	<ol style="list-style-type: none"> 1. Business/industry 2. Environmental/natural resource management 3. Legal 4. Science 5. Local government 6. Technology 7. Management 8. Finance/accounting 9. Cultural

<ul style="list-style-type: none"> • Local government • Management • Science • Technology 	
<p>8. Are there any other areas of expertise that you think should be presented on a Board or Committee?</p> <ul style="list-style-type: none"> • Yes (free text field appears) • No • Unsure 	<p>Yes</p> <p>Industry should include the waste and resource recovery sector, not simply any industry experience.</p>
<p>9. How much do you agree that the environmental regulator should publish its own separate annual performance report distinct from the broader department?</p> <ul style="list-style-type: none"> • Strongly agree • Agree • Neither agree nor disagree • Disagree • Strongly disagree • Not sure 	<p>Strongly agree</p>
<p>10. What level of risk (in terms of a conflict of interest) do you think would exist if an independent EPA fully controlled its own industry-sourced revenue?</p> <ul style="list-style-type: none"> • Very high risk • High risk • Neutral • Low risk • Very low risk • Not sure 	<p>Very high risk</p>
<p>11. How much do you agree that funding of environmental regulation should be supported by revenue collected from regulated industries through fees (e.g., licence fees)?</p> <ul style="list-style-type: none"> • Strongly agree • Agree • Neither agree nor disagree • Disagree • Strongly disagree • Not sure 	<p>Agree</p>
<p>12. How much do you agree that inclusion of an EPA's financial reporting within departmental</p>	<p>Agree</p>

<p>financial statements would provide sufficient transparency of financial performance?</p> <ul style="list-style-type: none"> • Strongly agree • Agree • Neither agree nor disagree • Disagree • Strongly disagree • Not sure 	
<p>13. How much more efficient do you think an environmental regulator would be if it was independent?</p> <ul style="list-style-type: none"> • Much more efficient • More efficient • No difference/unchanged • Less efficient • Much less efficient • Not sure 	No difference/unchanged
<p>14. Would making an independent regulator accountable to a multi-skilled Board further improve its efficiency?</p> <ul style="list-style-type: none"> • Yes • No • Unsure 	Yes
<p>15. Would separating the policy and regulatory functions create any risks for your sector?</p> <ul style="list-style-type: none"> • Yes (please specify – free text box) • No • Unsure 	Unsure
<p>16. Where do you think the following functions are best located? (One selection is permitted for each function)</p> <p><i>Function</i></p> <ul style="list-style-type: none"> • Policy/legislation development • Program delivery (e.g., grants) • Assessment (recommendation) • Approval (decision) • Compliance monitoring • Enforcement (decision) <p><i>Location</i></p> <ul style="list-style-type: none"> • Department • Independent EPA • Neither 	<ul style="list-style-type: none"> • Policy/legislation development – Department • Program delivery (e.g., grants) – Department • Assessment (recommendation) – Department • Approval (decision) – Department • Compliance monitoring – Independent EPA • Enforcement (decision) – Independent EPA

<ul style="list-style-type: none"> • Not sure 	
<p>17. How much more effective do you think an environmental regulator would be if it is independent?</p> <ul style="list-style-type: none"> • Much more effective • More effective • No difference/unchanged • Less effective • Much less effective • Not sure 	More effective
<p>18. Would making an independent regulator accountable to a multi-skilled board further improve its effectiveness?</p> <ul style="list-style-type: none"> • Yes • No • Unsure 	Yes
<p>19. Would establishing Advisory Committees for specific focus areas, such as environmental science, improve the effectiveness of the environmental regulator?</p> <ul style="list-style-type: none"> • Yes • No • Not sure 	Yes
<p>20. Which of the following do you feel would be more effective?</p> <ul style="list-style-type: none"> • An EPA with a targeted focus regulating against risks to environmental values associated with industry and development. • An EPA with a broader remit of responsibilities, incorporating nature conservation and natural resource management functions. 	An EPA with a targeted focus regulating against risks to environmental values associated with industry and development.
<p>21. How important is public trust in the regulatory framework to industry's social licence to operate?</p> <ul style="list-style-type: none"> • Very important • Important • Neutral • Not important • Not at all important • Not sure 	Very important

<p>22. How much do you agree that establishing an independent environmental regulator would improve Queensland's environmental reputation?</p> <ul style="list-style-type: none"> • Strongly agree • Agree • Neither agree nor disagree • Disagree • Strongly disagree • Not sure 	<p>Neither agree or disagree</p>
<p>23. How important to do you think Queensland's Environmental Social and Governance (ESG) credentials are to its future economic prosperity and job creation?</p> <ul style="list-style-type: none"> • Very important • Important • Neutral • Not important • Not at all important • Not sure 	<p>Very important</p>
<p>24. How supportive are you of establishing an independent EPA in Queensland?</p> <ul style="list-style-type: none"> • Very supportive • Supportive • Neutral • Unsupportive • Very unsupportive • Not sure 	<p>Neutral</p>
<p>25. On the balance of information presented within the discussion paper, do you see a preferred model?</p> <ul style="list-style-type: none"> • No preference • Maintain current state • Model 1 create EPA identity in departmental form • Model 2a Statutory Authority (with Board) • Model 2b Statutory Authority (without Board) • Model 3a Statutory Body (with Board) • Model 3b Statutory Body (without Board) 	<p>Model 2a Statutory Authority (with Board)</p>

26. Are there any final comments you would like to make about an independent EPA in Queensland?

- Yes (free text field appears)
- No

Yes

As noted in The Waste Management and Resource Recovery Association of Australia's (WMRR) submission in February 2022, we do not consider the formation of an independent EPA an overriding priority for Queensland.

WMRR reiterates that it is instead, far more important that the government focuses its efforts on developing a strong strategic approach towards policy, regulatory, and importantly, market development for post-consumer recyclate ('secondary raw material'), which is lacking at present in the state. This absence of market demand and pathways to become circular in managing material is hampering investment in Queensland and detracting from its ability to address carbon emissions. Whilst WMRR agrees that there are ongoing challenges in the state's current regulatory approach, splitting the regulatory functions from DES may not be the best way to solve these issues, will not future-proof Queensland's WARR industry, nor add value to the state's circular or net zero ambitions.

Integrated solutions across the entire supply chain of all sectors are required to move Queensland from a linear economy to one that delivers a net zero one 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 avoidance, driving material value, and increasing take-up of secondary raw material, will only lead to a continued linear approach to material management and increased compliance costs, with no clear transition towards either resource recovery or circularity. There are also potential risks of stockpiling and landfilling activities.

WMRR strongly supports and advocates for a split between a strategic planning and market

development agency in Queensland, and a highly functioning regulatory body that includes the development and application of operational and regulatory policy, as well as compliance. The names/labels of these two (2) separate bodies are irrelevant as the focus should be on their functions and roles. This model already operates in South Australia with the creation of Green Industries SA and WMRR recommends that Queensland follows in a similar path.

Thus, 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.

The separate market agency department should have responsibility for waste and resource recovery (WARR) grant funding, including grant development and allocation, market development, carbon mitigation, driving a circular agenda as well as having 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.

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.

	<p>WMRR's proposed functional chart and recommendations made in February can be found here: https://bit.ly/3zfr6el</p> <p>If however, the Queensland government decides to set up an independent EPA, then option 2a is WMRR's preferred option. It is still important that the government carefully considers the features and functions of the EPA and DES to ensure that there is a split between policy, strategy, and regulatory functions. Further, if this model is progressed, there should be a clear compliance strategy adopted annually by the Board and reported on publicly.</p>
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