

Module	QLG – WASTE AND ENVIRONMENT MANAGEMENT
Jurisdictions	QLD
Legal Expert	SCOTT ALDEN Partner at HWL Ebsworth https://hwlebsworth.com.au/people/scott-alden/ https://www.linkedin.com/in/scott-alden-5884432b/?originalSubdomain=au

Module Application

Queensland local government bodies, authorised local government individuals and all local government employees should be subscribing to this module.

Every individual in Queensland has an obligation to protect the environment through their actions and choices. The QUEENSLAND LOCAL GOVERNMENT- WASTE AND ENVIRONMENT MANAGEMENT module informs Queensland local government bodies and their employees of their duties and obligations for dealing with waste and environment management including notification and regulatory obligations within the designated local government area.

The QUEENSLAND LOCAL GOVERNMENT- WASTE AND ENVIRONMENT MANAGEMENT module covers all obligations and regulations derived from Commonwealth and Queensland state legislation of Queensland local government bodies managing waste and environment management in their local government area. The module provides the practical assistance and guidance to ensure these obligations are complied with by demonstrating the establishment and maintenance of best practice processes. The module also covers potential exemptions to the obligations, where applicable, and how they may or may not apply in particular instances.

The primary obligation of local governments when dealing with waste is to minimise harm to the environment by following the hierarchy principles of waste and resource management of avoid, reduce, reuse, recycle, recover, treat and dispose.

The legislative and regulatory basis of obligations covered by the module include the following acts as well as related rules, regulations and the designated regulatory bodies;

- › Local Government Act 2009 (QLD);
- › Governs the nature and extent of a local government's responsibilities and powers and provides for a system of local government in Queensland that is accountable, effective, efficient and sustainable. The act also provides the basis for administration of local government services to ensure the best interests of the local government area are maintained.
- › Environmental Protection and Biodiversity Conservation Act 1999 (Cth);
- › Biodiversity Act 2014 (QLD);
- › Building Act 1975 (QLD);

- › Environmental Protection Act 1994 (QLD);
- › Fisheries Act 1994 (QLD);
- › Heavy Vehicle National Law (Queensland) (QLD);
- › Radiation Safety Act 1999 (QLD);
- › State Development and Public Works Organisation Act 1971 (QLD);
- › Vegetation Management Act 1999 (QLD);
- › Waste Reduction and Recycling Act 2011 (QLD); and
- › Queensland Government Department of Environment and Science.

The specific waste and environment management obligation areas for Queensland local government comprehensively covered by the module include;

- › To reduce waste and implement recycling plans by adopting, reviewing, amending and reporting on waste reduction and recycling plans. To meet objectives waste reduction and recycling plans should be prepared every year and keep up with the waste management demands of the local government area.
- › To manage general waste by implementing disposal, collection, removal and storage processes and procedures.
- › To manage industrial and hazardous waste by enforcing appropriate storage, treatment and disposal regulations in the local area;
- › Responsibility to store industrial waste is divided between the occupier of the relevant premises (domestic, government or commercial) and the local government; and
- › Local government is responsible for instructing on storage and the occupier must implement those instructions.
- › To deal with clinical waste appropriately throughout the entire process;
- › Segregation;
- › Storage;
- › Treatment; and
- › Disposal
- › To comply with transportation of waste requirements prescribed by the National Heavy Vehicle Regulator at each stage of the process; as generator, transporter and receiver. Each stage of this process requires tracking by the local government.
- › To operate council managed waste and recycling facilities in accordance with regulations and legislation;
- › Establish an environmental authority;
- › Install and use a weighbridge;
- › Provide waste data returns; and
- › Annually report on waste activities.
- › When dealing with air pollution or contamination and maintaining air quality in the local government area;
- › Pollution or contamination may be caused by aerosols, fumes, odour, particles or smoke;
- › By acting quickly and effectively to ensure that air quality is not compromised;
- › Notifying administering authorities; and
- › Commencing court proceedings when circumstances require.
- › To enforce and administer noise pollution controls within the local government area including construction and industrial noise, indoor and open-air noise. The primary responsibility of complying with noise standards remains with the person carrying out the activity. When applying administration and enforcement powers, noise must be dealt with in order of preference;
- › Avoid, for example by not approving a particular development;

- Minimise, for example by orientating noise away from a sensitive receptor or using minimising technology; and
- Manage noise appropriately.
- To implement a statement of management intent, a management plan or a conservation plan to ensure that protection of wildlife, flora and fauna within the local government area is managed in accordance with legislated requirements;
- To ensure effective environmental management by keeping registers, conducting audits and organising investigations as well as;
- Managing authorities and tenures for small scale mining;
- Assessing environmental impact statements; and
- Controlling erosion and sediment build up.

In addition to expanding on these specific Queensland local government waste and environment management obligations the module also provides comprehensive practical guidance and directions for Queensland local government bodies to have policies, procedures, systems and processes in place to maintain compliance with obligations within all levels and operational systems of the local government body. Remedial advice and direction are also provided to the local government body that is not complying with obligations to assist in resolving issues and achieve compliance.

The QUEENSLAND LOCAL GOVERNMENT- WASTE AND ENVIRONMENT MANAGEMENT module also covers consequences arising from a breach of these obligations. The most commonly applied consequences are intended to assist the local government to regain the ability to fulfil its duty to the local government area and may include;

- An audit by the chief executive;
- A notice requiring the local government to commission an audit;
- Disciplinary action against local government employees;
- An investigation by the independent assessor; and
- Advice, training or information sessions for employees.

Certain failures of local government will also attract financial penalties and the QUEENSLAND LOCAL GOVERNMENT- WASTE AND ENVIRONMENT MANAGEMENT module covers the various financial penalties and how they may be applied to different breaches. The most significant financial penalties apply to breaches of hazardous material obligations.

Penalties for breaching the condition of an approval vary from a penalty infringement notice for one-off offences that are easily rectified, to the issuing of statutory notices. In serious cases the administering authority may initiate court proceedings to have a court order issued or prosecute those responsible for the breach.

The QUEENSLAND LOCAL GOVERNMENT- WASTE AND ENVIRONMENT MANAGEMENT module provides comprehensive coverage of the legal obligations of Queensland local government entities managing waste and the environment. It does not cover the procedures or processes to be followed by individuals or entities relying on local government waste and environment management or provision of services if the local government commits a breach of these obligations and duties.

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