

DELEGATION OF AUTHORITY

TITLE: Waste Reduction and Recycling

Delegation from Council to:
Chief Executive Officer

Council Resolution Date:

Source of Authority:

Local Government Act 2009 – Section 257

Waste Reduction and Recycling (Local Government -Waste Management) Delegation (No. 1) 2012

Waste Reduction and Recycling (Authorised Persons) Delegation (No.1) 2012-06-14

Waste Reduction and Recycling Act 2011

Waste Reduction and Recycling Regulation 2011

Delegated Power:

1. To exercise the powers under Chapter 3 of the *Waste Reduction and Recycling Act 2011* (the **WRR Act**) including to:
 - (a) make an exempt waste application to the chief executive under section 29;
 - (b) as applicant on an exempt waste application, to agree with the chief executive about extending the time for providing any further information requested by the chief executive under section 30;
 - (c) as holder of an exempt waste approval, to ask for, and agree with the chief executive on, amendments to the approval under section 32 ; and
 - (d) as holder of an exempt waste approval that the chief executive is proposing to cancel, to make written submissions to show why the proposed action to cancel the approval should not be taken under section 36.

2. To exercise the powers under Chapter 3 of the WRR Act as the owner/operator of a levyable waste disposal site(s) including the authority to:
 - (a) claim a resources recovery deduction under section 39;
 - (b) ask a person delivering waste to the site for information reasonably required to identify particulars about the waste delivered under section 41;
 - (c) to apply to the chief executive administering the Act for the amendment of a waste levy instalment agreement under section 57;
 - (d) apply to the chief executive of the administering Act for an extension of time within which to pay a waste levy amount under section 58;
 - (e) declare an area at a waste disposal site as a resource recovery area under certain circumstances under section 61; and
 - (f) cancel the resource recovery area's declaration as a resource recovery area under section 62.

3. To exercise the powers under Chapter 4, part 3 of the WRR Act including to:
 - (a) as scheme manager, apply to the chief executive of the administering Act for accreditation for a voluntary product stewardship scheme under section 89;
 - (b) as a participant in a accredited stewardship scheme, amend the scheme by agreement with all other participants in the scheme under section 95;
 - (c) as scheme manager of an accredited stewardship scheme that the minister is proposing to revoke, to make written submissions under section 97 to show why the proposed action to revoke the accreditation should not be taken.

4. To exercise the power under section 128 of the WRR Act to make a written submission to the chief executive administering the Act about the chief executives intention to prepare a waste reduction and recycling plan.

5. To exercise the power to apply to the chief executive administering the Act including the authority to:
 - (a) for a specific approval of a resource under section 157; and
 - (b) to agree with the chief executive to extend the time for providing additional material requested by the chief executive on an application for a specific approval of a resource under section 158.
 - (c) to transfer the benefit of the approval or amend the approval under section 168;
 - (d) agree with the chief executive to extend the time for providing additional material requested by the chief executive on an application to transfer or amend a specific approval of a resource under section 169;
 - (e) make written submissions to show why a proposed action should not be taken in instances where the minister intends to amend, cancel or suspend an approval under section 172;
 - (f) apply for an internal review of the decision where an information notice has been given or entitled to be given under section 175;
 - (g) apply for a stay of the original decision where an internal review has been made under section 177; and
 - (h) apply to the QCAT¹ under the QCAT Act for external review of a decision² under section 180.

6. To exercise the powers under the WRR Act as delegate of the chief executive administering the Act including the authority to:
 - (a) in respect of a Chapter 5 part 2 activity:
 - (i) give a notice to an adult person under section 110 and section 111; and
 - (ii) give a direction to a responsible entity to collect material from premises under section 112.
 - (b) in respect of a Chapter 9 activity:

¹ Queensland Civil and Administrative Tribunal.

² Where a QCAT information notice has been given or entitled to be given under section 179 of the WRR Act.

- (i) apply, accept, conduct the review, extend and decide and give notice of decisions about internal review applications under sections 175, 176(2), 178 and 179
 - (c) in respect of a Chapter 10 activity:
 - (i) to appoint a person as an authorised person under section 183; and
 - (ii) to issue an identity card to an authorised person under section 187.
 - (d) in respect of a Chapter 11 activity:
 - (i) give a show cause notice under section 246;
 - (ii) give a compliance notice under section 248 and 249; and
 - (iii) comply with restrictions on giving a compliance notice.
 - (e) in respect of a Chapter 14 activity:
 - (i) approve forms under section 270.
7. To exercise the power to make written submissions where the chief executive of the administering Act intends to prepare a waste reduction and recycling plan for the local government to address an aspect that is relevant to the local government pursuant to section 128 of the WRR Act.
 8. To exercise the power to issue a notice requiring a person to commission a waste audit as it relates to offences relating to illegal dumping of waste under section 253 of the WRR Act.
 9. Take, conduct and resolve legal proceedings where the proceeding is about a matter that has been delegated to the council pursuant to the WRR Act and the Regulation.
 10. To exercise the power to bring proceedings in a Magistrates Court for an order to remedy or restrain an offence against the WRR Act or a threatened or anticipated offence against the WRR Act under section 261.

Delegation Criteria:

11. The Delegated Officer must only exercise the delegated powers subject to the following conditions imposed by the Waste Reduction and Recycling (Local Government Waste Management) Delegation (No. 1) 2012 delegated to council by the Department of Environment and Resource Management (DERM)³:
 - (a) Authority to exercise the powers delegated in paragraph 6 (a) (i) and 6 (a) (ii) only as they relate to Chapters 5, Part 2;
 - (b) Authority to exercise the powers delegated in paragraph 6 (b) (i) only as they relate to sections 248(2) and 253(3) of the WRR Act;
 - (c) Authority to exercise the powers delegated in paragraph 6 (d) (i) and 6 (d) (ii) only as they relate to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of the WRR Act.;

³ Now known as the Department of Environment and Heritage Protection.

- (d) Authority to exercise the powers delegated in paragraph 6 (e) (i) only as they relate to section 174 of the WRR Act.
 - (e) Authority to exercise the powers delegated in paragraph 8 only as they relate to section 104 of the WRR Act.
11. The Delegated Officer must only exercise the delegated powers subject to the following conditions imposed by the Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2012 delegated to council by DERM⁴;
- (a) An authorised person can only exercise powers in section 117 and Chapter 10 of the WRR Act in relation to the following offences:
 - (i) Chapter 5: Parts 1, 2 and Part 3, Divisions 1 and 2 of the WRR Act;
 - (ii) Section 251(a) in relation to a contravention of section 107(1), 108, 109(1) or (2);
 - (iii) Section 251(b) in relation to a contravention of section 103 or 104;
 - (iv) Section 254 and section 264,
of the WRR Act

Delegation Administrative Procedure:

12. The following conditions are to be undertaken for this delegation:
- (a) This delegation is to be exercised in accordance with the WRR Act; and
 - (b) This delegation is to be exercised in accordance with council's Litter Management Strategy and any applicable council policies and guidelines;
 - (c) The extent of authority is in accordance with the delegated criteria as imposed by the Waste Reduction and Recycling (Local Government Waste Management) Delegation (No. 1) 2012 and the Waste Reduction and Recycling (Authorised Person) Delegation (No. 1) 2012 delegated to council by DERM⁴

⁴ Now known as the Department of Environment and Heritage Protection.