

Local Law No 20 (Waste Management) 2017

The City of Gold Coast (City) is responsible for public health, safety and amenity related to waste management throughout the Gold Coast. The proposed local law is a new law to best facilitate waste management delivery.

The object of this local law is to protect the public health, safety and amenity related to waste management by—

- a regulating the storage, servicing and removal of waste; and
- b regulating the disposal of waste at waste facilities; and
- c ensuring that an act or omission does not result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or loss of amenity; or
 - (iii) environmental harm or environmental nuisance

For further information on the proposed local law review the following documents:

- *Local Law No.20 (Waste Management) 2017* (the proposed local law)
- Public Interest Test Plan
- Consultation notification

To have your say about the proposed local law:

- Complete this form which can be:
- Scanned and emailed to gchaveyoursay@goldcoast.qld.gov.au,
- Posted to Chief Executive Officer, City of Gold Coast, PO Box 5042 GCMC QLD 9729
- Delivered in person to a customer service counter at:
 - Nerang - [833 Southport Nerang Road, Nerang](#)
 - Bundall – [8 Karp Court, Bundall](#)

Hard copies of submission form and associated documents are also available at City of Gold Coast customer service centres at the above locations:

Community engagement runs from **Thursday 30 March 2017 to Wednesday 19 April 2017**.

We look forward to receiving your comments and feedback.

Local Law No 20 (Waste Management) 2017
File Ref: LG222/365/51

Your details

Name	Grant Musgrove - CEO, Australian Council of Recycling (ACOR)		
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Your comments need to relate to:

- the grounds of the submission; and
- the facts and circumstances relied on in support of the grounds

ACOR and its members are concerned that enactment of this local law sets a dangerous precedent amongst Councils in Queensland. ACOR agrees that Councils are naturally responsible for domestic waste services (including recyclables and green / organics, but with this local law, Council grants itself the right to extend this monopoly to commercial customers who would otherwise have had the right to seek competitive quotes for their waste and recycling services from the open market. ACOR contends that this local law, in its current form, is anticompetitive, it breaches the principles of competitive neutrality and is unfair to small business who are forced to use Council's service with no ability to opt out or question the price, and unfair to waste and recycling service providers who can be restricted from competing for business in the Gold Coast City Council area.

ACOR is concerned that the objects of the local law are too vague. They do not limit the types of waste that Council could ultimately bring into the monopoly, and they duplicate the powers of the State Government in terms of regulation of waste management activities, including waste management facilities (which would include recycling facilities).

With a clear commercial self-interest, it is an obvious conflict of interest for Council's to grant themselves the powers to regulate private competitor waste facilities. Combined with the powers of monopoly over waste collections, this is a "double whammy" against private sector operators and facilities. The sovereign risk to the private sector is a clear threat to existing investments and a barrier to further investment and private sector innovation.

Section 5 of the proposed local law grants the powers to "designate areas within its local government area.". Notwithstanding the natural responsibility for Councils for domestic waste, recyclables and green waste, there is nothing to prevent the Council from designating the whole local government area as a Council monopoly for ALL waste and recyclables, including commercial recyclable waste such as source segregated materials like paper and cardboard. The Sunshine Coast and Noosa Local Governments serve as reminders that this interpretation can be applied with impunity, with both the aforementioned Councils having designated their whole territories for their monopoly service.

ACOR would like to see a far more balanced, competitively neutral local law that recognises Council's natural responsibilities for domestic generated waste, recyclables and green waste, but does not overreach to monopolise commercially generated waste, recyclables and green waste.

INFORMATION PRIVACY

Unless otherwise authorised or required under a law any personal information contained in any submission made will only be utilised by Council for the purposes of conducting the Local Government Act 2009 prescribed consultation stage of the Council's local law making process.

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Date received		Submission No.	
Received by - Branch			
Received by - Persons			