

Waste Reduction and Recycling (Strengthening the Container Refund Scheme) Amendment Bill 2026

Explanatory Notes

FOR

Amendment to be moved during consideration in detail by the Honourable Andrew Powell MP, Minister for the Environment and Tourism and Minister for Science and Innovation

Short title

The short title of the Bill is the Waste Reduction and Recycling (Strengthening the Container Refund Scheme) Amendment Bill 2026.

Policy Objectives of the Amendment

The policy objectives of the amendment to the Waste Reduction and Recycling (Strengthening the Container Refund Scheme) Amendment Bill 2026 (the Bill) are to remove doubt and clarify that the current Product Responsibility Organisation (PRO) for the Container Refund Scheme (the Scheme) has always been a unit of public administration under the *Crime and Corruption Act 2001* (CC Act) to the extent that the PRO was performing its functions.

A further objective is to validate anything done or omitted to be done by the Crime and Corruption Commission (CCC) or any other entity as being valid and lawful had new section 102AO been in force. For example, an investigation or proceeding started before or after the commencement.

During the Health, Environment and Innovation Committee's (the Committee) consideration of the Bill, the Committee heard from various stakeholders regarding new section 102AO in relation to the declaration that the PRO is a unit of public administration for the purpose of the CC Act.

It was suggested that to remove ambiguity and ensure that the CCC could appropriately assess and investigate any suspected corrupt conduct of the PRO prior to the commencement of new section 102AO, the Bill could declare that the PRO has always been a unit of public administration for the purpose of the CC Act.

On 15 May 2026, the Committee tabled its Report No. 24, 58th Parliament – Waste Reduction and Recycling (Strengthening the Container Refund Scheme) Amendment Bill 2026 (Committee Report). Recommendation two of the Committee’s Report recommended that new section 102AO in the Bill be amended to clarify that the PRO is declared to be, and has always been, a unit of public administration under the CC Act.

The amendment gives effect to recommendation two of the Committee’s Report and puts beyond doubt any ambiguity regarding the PRO’s status as a unit of public administration for the purpose of the CC Act. This will ensure that any suspected conduct, prior to the commencement of the Bill, can appropriately be assessed or investigated by the CCC or another entity.

Achievement of the Policy Objectives

The policy objectives of the amendment will be achieved by declaring that the current PRO has always been a unit of public administration under the CC Act to the extent that the PRO was performing its functions. The amendment removes any doubt regarding the status of the PRO as a unit of public administration. Further, the amendment will also validate anything done or omitted to be done by the CCC or any other entity as being valid and lawful had new section 102AO been in force.

Alternative Ways of Achieving Policy Objectives

There are no alternative ways of achieving the policy objectives of the amendment.

Estimated Cost for Government Implementation

There are no additional costs to government in implementing the amendment.

Consistency with Fundamental Legislative Principles

The amendment has been drafted with regard to the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992* (LS Act). The fundamental legislative principle issues which may arise or be perceived to arise, together with justification for any departures, are outlined below.

Status of PRO as a unit of public administration

Section 4(2)(a) of the LS Act provides that legislation should have sufficient regard to the rights and liberties of individuals. Section 4(3)(g) of the LS Act provides that legislation should not adversely affect rights and liberties, or impose obligations, retrospectively. Legislation is considered retrospective if it imposes obligations, liabilities or consequences from a date prior to its enactment.

The amendment clarifies that the current PRO has always been a unit of public administration under the CC Act, to the extent that the PRO was performing its functions.

Further, the amendment also validates anything done or omitted to be done by the CCC or any other entity as being valid and lawful had new section 102AO been in force. This includes where an investigation or proceeding started before or after the commencement.

The amendment will put beyond doubt any ambiguity of the PRO's status as a unit of public administration under the CC Act. The amendment will also ensure that the CCC or another entity can appropriately assess and investigate any suspected corrupt conduct prior to the commencement.

The amendment operates retrospectively, which engages the fundamental legislative principle that laws should not have retrospective effect.

While the amendment may engage section 4(3)(g) of the LS Act, it is considered justified as the amendment will put beyond doubt the status of the PRO as a unit of public administration under the CC Act and enable the CCC to perform its functions and appropriately assess and investigate any suspect corrupt conduct under the CC Act.

Consultation

During the Committee's consideration of the Bill, the Committee heard from various stakeholders in relation to new section 102AO in the Bill regarding the declaration that the PRO is a unit of public administration for the purpose of the CC Act.

The CCC supported the Bill but noted that the Bill did not include a transition period or a retrospective application in relation to the PRO's unit of public administration status.

The stakeholder views informed the Committee's consideration of the Bill and recommendations in the Committee Report.

The amendment gives effect to recommendation two of the Committee's Report regarding clarification that the PRO is declared to be, and has always been, a unit of public administration under the CC Act. On this basis, no further consultation was undertaken on the amendment.

Consistency with legislation of other jurisdictions

The amendment is specific to the State of Queensland, relates to specific legislation in Queensland, and is not uniform with or complementary to legislation of the Commonwealth or another state.

Notes on Provisions

Amendment 1 inserts a new transitional provision section 339A regarding the status of the PRO as a unit of public administration.

The amendment declares that the current PRO has always been a unit of public administration under the CC Act, to the extent that the PRO was performing a function. This amendment puts beyond doubt the status of the PRO as a unit of public administration.

The amendment also provides that anything done or omitted to be done by the CCC or any other entity that would have been valid and lawful had new section 102AO been in force. An example of this includes where an investigation or proceeding started before or after the commencement.

The intention of the amendment is to put beyond doubt the PRO's status as a unit of public administration for the purpose of the CC Act and any actions undertaken by the CCC or another entity in relation to the PRO as a unit of public administration under the CC Act.