



HEALTH AND ENVIRONMENT COMMITTEE

Members present:

Mr AD Harper MP—Chair
Mr R Molhoek MP
Ms AB King MP
Ms JE Pease MP
Mr ST O'Connor MP

Staff present:

Ms R Easten—Committee Secretary
Ms R Duncan—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE WASTE REDUCTION AND RECYCLING AND OTHER LEGISLATION AMENDMENT BILL 2023

TRANSCRIPT OF PROCEEDINGS

Monday, 27 March 2023

Brisbane

MONDAY, 27 MARCH 2023

The committee met at 12.01 pm.

CHAIR: Good afternoon. I declare open this public briefing for the Health and Environment Committee's inquiry into the Waste Reduction and Recycling and Other Legislation Amendment Bill 2023. I am Aaron Harper, the member for Thuringowa and chair of the committee. I start by respectfully acknowledging the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all now share. With me today are: Mr Rob Molhoek, member for Southport and deputy chair; Ms Joan Pease, member for Lytton; Ms Ali King, member for Pumicestone; and Mr Sam O'Connor, member for Bonney. Mr Stephen Andrew, member for Mirani, is an apology.

On 22 February 2023 the Hon. Meaghan Scanlon, Minister for the Environment and the Great Barrier Reef, Minister for Science and Youth Affairs, introduced the Waste Reduction and Recycling and Other Legislation Amendment Bill 2023 into the Queensland parliament and referred it to this committee for detailed consideration and report. The briefing today by officers from the Department of Environment and Science is to respond to issues raised in the submissions and in the public hearing we had earlier today. This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. I remind committee members that officers are here to provide factual and technical information. Questions seeking an opinion about policy should be directed to the minister or left to debate in the House.

CONNOR, Mr Andrew, Executive Director, Office of Circular Economy, Environment and Heritage Policy and Programs, Department of Environment and Science

HUGHES, Ms Kylie, Director, Office of Circular Economy, Environment and Heritage Policy and Programs, Department of Environment and Science

CHAIR: Thank you both for being here today. Noting this morning's contribution from witnesses, would you like to start with an opening statement? Then we can move to some questions that were raised today.

Mr Connor: Thank you for the opportunity to appear before the committee. I would like to start by thanking all of the people and organisations who provided submissions to the committee. The Waste Reduction and Recycling and Other Legislation Amendment Bill 2023 proposes changes that: improve the operation of Queensland's strategic waste management and resource recovery framework; increase the accountability within the Queensland waste levy framework and aligns more closely to other jurisdictions with respect to clean earth; protect our wildlife and environment from the outdoor release of balloons and other single-use plastics; elevate the consideration of circular economy outcomes through incorporation of principles within the Waste Reduction and Recycling Act 2011; and amend the definition of 'waste' to provide an additional pathway to prescribe low-risk circular economy feedstocks as not being a waste, enabling their use and circulation which also reduces regulatory complexity.

A number of the submissions provided comment on the removal of the clean earth exemption. The Department of Environment and Science acknowledges the comments that supported the removal of the automatic exemption and the statements that clean earth is a valuable resource that should be prioritised for high-value uses. The department recognises that use of clean earth for good operation and maintenance within a landfill is an acceptable and necessary use for the material; however, the removal of the automatic exemption will incentivise project managers to seek alternative uses for the material rather than preferencing delivery to a landfill as first option. The removal of the clean earth levy exemption is designed to encourage business and industry to build capacity and processes to divert this material away from disposal.

The department also acknowledges that, while the commitment to remove the levy exemption to commence on 1 July 2023 has been widely known since December 2021, stakeholders representing landfill operators have called for more clarity on the process for applying for an operational purpose exemption through which clean earth can be used beneficially at a leviable waste

disposal site without attracting a levy liability. While applying for an operational purpose exemption is not a new process, the proposed removal of the clean earth levy exemption does result in a need to amend the relevant application form. A notification has been sent to all leviable landfill operators advising of the proposed change to the levy exemption status for clean earth from 1 July 2023. Advice has been provided stating that those waste disposal site operators wishing to continue to use clean earth as an exempt waste will need to apply to the department to continue this practice. Should the proposed amendments be passed, the department has commenced preparing amended application forms, and landfill operators have been encouraged to contact the department to discuss their site situation and potential application requirements.

The bill proposes amendments to strengthen the connection between circular economy outcomes and decision-making frameworks. The government recognises the importance of identifying and progressing circular economy outcomes. Making the explicit provision in the legislation closes the loop and connection between strategic priorities in the Waste Management and Resource Recovery Strategy that are focused on the transition to a circular economy. Several submissions provided feedback on the approach taken to the circular economy in the proposed amendments. While most of the submissions were generally supportive, some did question the relevance of the Waste Reduction and Recycling Act to a circular economy. Circular economy principles are entirely consistent with the objects of the act. It already provides for the consideration of waste avoidance, resource recovery and product stewardship principles. Amending the act to include circular economy and the circular economy principle and including it as a consideration for the preparation of the waste strategy cements circular economy as the foundation for consideration in the development of actions, initiatives and activities into the future.

Several submissions expressed clear support for the proposed ban on the outdoor release of lighter-than-air balloons. The government is committed to working with a broad range of stakeholders including retailers, event organisers, schools, party suppliers, local governments and the balloon industry to ensure there is widespread awareness and understanding of the ban before its commencement on 1 September 2023.

With the proposal to extend the review time frame for the waste strategy from three to five years, some submissions also commented on the need to align time frames for the local government plan reviews and the proposed new five-year time period. The department acknowledges that this would maintain consistency between the review periods and allow any changes to the waste strategy to be considered during development of local government waste plans.

I can also advise that the release of the draft strategy review report is anticipated by the end of March 2023. Following its release, a minimum 28-day consultation period is required. The draft review report now includes analysis of three years of data, tracking progress towards meeting the targets of the strategy.

CHAIR: Thank you very much, Mr Connor. Please pass on our appreciation to the entire department. This is a big body of work and significant background work has been achieved to get us to the point we are at today. I commend you and the entire team for getting us to the point we are at. As we heard today, the enormity of waste, particularly in our Great Barrier Reef catchment area, is huge, so the impacts are ongoing until we can get some of these things through the House. There is one question I wanted to ask. Whilst the LGAQ could not be here today, it kind of ties into what Toby Hutcheon from the Boomerang Alliance said today around councils getting more involved. I do not know if you can talk to what the department is doing to assist councils to get into that innovation space, as the submitter said?

Mr Connor: It was a great conversation. I listened to the evidence this morning. We are working with local governments right around the state to develop regional waste management plans. Those plans are aimed with a primary objective to reduce the municipal solid waste that goes to landfill. In terms of what was raised this morning around the size of bins for example, the intent that sat behind that was really aimed at those decisions that get made within each individual household across Queensland. In many respects it links to behaviour change type strategies.

In combination with working with local governments about the infrastructure that is needed to enable better collection or source separation of different materials so we can get clean streams to recycle and re-use those materials, we are also working with local governments to build education and behaviour change initiatives which will include things like campaigning and advertising processes right through to those on-ground activities and tools that local governments might need to continue to educate members of the community around what can go into different bins to try to improve the quality of the materials within those bins so we can get better recycling outcomes.

CHAIR: Excellent. Thank you very much for that.

Mr MOLHOEK: I note that both Cleanaway and the LGAQ have raised concerns around the definition of clean earth. This morning Cleanaway said that in other states they have simply legislated the definitions so it is really clear. Is there any reason we could not be a bit more vigorous with our definitions in the legislation so that different organisations do not need to go through this process of applying for exemptions? The local government submission talks about the fact that the lack of clarity around those exemptions potentially adds significantly to the cost and that they would have to pass that cost on to ratepayers in some way, shape or form.

Mr Connor: I will speak first around the comparison to New South Wales as an example in terms of legislating a definition for clean earthen material. We do have definitions for clean earthen material in Queensland. This proposed bill looks to remove a definition for clean earth material from the Waste Reduction and Recycling Act to simplify the fact that it is defined within the environmental protection legislation so that there will be only one place where clean earthen material is applied.

Similar to New South Wales in terms of what is proposed in the bill, it is around including a waste levy onto the earthen material that is deposited at a landfill, which I understand to be the case in New South Wales. They do have some very clear distinctions between virgin, natural excavated material, which is effectively the equivalent of how we have defined clean earth—to be free from waste and contaminants. They have a secondary distinction, which is excavated natural material, which is also material that can be dug up but does not quite meet that definition for totally clean.

I understand that they apply a differential levy equation to those different materials with a view to incentivising the use of the cleanest of those earthen materials for re-use and the use of the lower quality earthen material for the operational purpose type arrangements at a landfill. I also understand that in New South Wales that works on a rebate type arrangement. It is typical for an application to be made by the landfill operators to claim back the levy. In terms of the framework we are proposing in Queensland, the use of operational purpose exemptions already exists. It is a least-change proposal in many respects for our framework. A majority of landfill operators already have operational purpose exemptions.

Mr MOLHOEK: Would they continue under the new legislation or would they have to reapply?

Mr Connor: They would not have to reapply for existing exemptions. Some of the existing exemptions will also already include the provision of waste soil for daily cover type activities. The thing that is proposed to be changed with this amendment is providing a blanket exemption for clean earth. Currently, when an operator applies for an operational purpose exemption they have to reference clean earth that is available for use when they are calculating what other waste materials might be used for things like daily cover, building earth and material berms or internal roadways et cetera. All of those things are permissible within the context of making the application, allowing the regulator to assess whether there is a demonstrated use for the material at the site and improving the accountability around it.

Mr MOLHOEK: Should people be concerned that a lack of definition is going to add \$40 per household? That seems to be what the LGAQ are saying—that is, the lack of clarity is going to create this problem where it is going to increase the cost. I am trying to understand how it does that.

Mr Connor: I appreciate the opportunity to clarify that, because I am aware of the submission and the workings that were done by a particular council to show that. Since the policy decision to remove the exemption was made in 2021, there have been a variety of different engagements with stakeholders. That particular piece of information did come up through the course of those engagements. It was put in the context that in the absence of a tool, like an operational purpose exemption that allows the exemption to occur, that would be a cost to the landfill.

If 100 per cent of the levy liability was applied to operational use, \$40 was the projected increase at the household level. By providing the option to apply for an operational purpose exemption we enable landfills to use those materials for those valid purposes—daily cover et cetera—without incurring a levy liability. It is only material that is outside the framework of what is needed at the landfill that is still disposed of that would attract the levy.

Mr MOLHOEK: I would love to ask some more questions about that.

CHAIR: I think that clarifies it.

Mr O'CONNOR: I want to go further with the definition of circular economy. I wonder if you could expand on your response to the Boomerang Alliance. In their submission they talk about the definition including all the key participants in the circular economy and expected actions. Could you expand on why that was not included?

Mr Connor: In terms of the Boomerang Alliance submission, in many respects there is rigorous agreement around the intent that sits behind what we are doing and what the Boomerang Alliance would like to see. There is a reference to a universal definition of circular economy. When we look at what definitions are in use around the world, I do not know that it is as simple as that—that there is a universal understanding of how to define it.

To expand as you have requested, the principles also align to the objects of the act. Within the bill itself there are proposed insertions into the objects of the act which go to promoting activities across government, business, industry and the community that extend the life cycle of products and materials. I think what Boomerang Alliance is asking to be reflected within the principles clearly went to the proposed additions to the objects.

Mr O'CONNOR: That is the community part of it. I have another question on the circular economy principles. I am particularly interested in the role of the container deposit scheme. How does the department or your branch in particular ensure that items collected by the scheme are actually recycled?

Mr Connor: Coex is the organisation responsible for running the scheme. Coex, through all of the container refund points in Queensland—360-odd of them—is responsible for selling the materials that are collected onto market and, as part of those arrangements, ensuring the materials are recycled. It is part of how the scheme has been put together. We are constantly engaged with Coex around how the scheme is performing and tracking and looking to include participation into it. An important part of operating a scheme is showing exactly where those materials are going and what productive uses they are contributing to.

Mr O'CONNOR: If some of those products were sent overseas, the department would monitor that and have an awareness of what is happening with them?

Mr Connor: Yes, we are aware that some of the products are sent overseas. That relates to, at the federal level, the waste export arrangements, in particular around things like liquid paper board. There is not a sufficient onshore capacity to deal with that at this point in time. It is not to say that that capacity is not being planned to be built. From an export ban perspective, the ban for that particular type of material kicks off in 2024.

Mr O'CONNOR: Is liquid paper board classified as plastic in terms of the export bans?

Mr Connor: It is in the—

Mr O'CONNOR: Paper, sorry. Plastic kicked off two years ago.

Mr Connor: Yes.

Mr O'CONNOR: So the department looks into what happens with it overseas and has an awareness of that?

Mr Connor: Yes. We have regular reporting from Coex. We are certainly interested in the ability for the community to understand what is happening at the end of chain in respect of materials that are collected and recycled through the scheme.

Mr O'CONNOR: Where does the liquid paper board go? It does go overseas, so what countries does it go to?

Mr Connor: There is a South-East Queensland based company that most of the liquid paper board has been sold to.

Mr O'CONNOR: Genuine Recycling Group they are called.

Mr Connor: That is it.

Mr O'CONNOR: Where do they send it?

Mr Connor: In terms of the country of receipt, I am asking Kylie if she can—

CHAIR: Take it on notice if you need to.

Mr Connor: I will take it on notice. I know that we have it; it is not immediately coming to mind.

CHAIR: Just to clarify, you did say 360 recycling locations throughout—

Mr Connor: Over.

Mr O'CONNOR: It all gets sold to one company in South-East Queensland, though, that sends it overseas.

CHAIR: I was just wondering if there was one in Callide.

Ms PEASE: You have probably answered this already with regard to the matter of the terms of waste. You gave a fairly fulsome explanation to the member for Bonney. You might have heard me ask a question about this. In one of the submissions there was some talk about the levy disincentivising councils and people to do waste reduction. Do you have a position on that?

Mr Connor: The levy is definitely intended to do the opposite in terms of incentivising re-use opportunities and those productive outcomes within our broader economy. In the context of the submissions that we received that had concerns about the clean earth, I do understand from a landfill operator's perspective that there is a concern that it might affect the free supply of material to landfill operators over time. In some respects, for the clean earth, which is material that is totally free of contaminants and waste, it may well reduce that supply. In the context of the operational purpose exemptions, the ability to include clean earth or other soil materials of a lower quality from the pristine clean earth material for those uses is what we are looking to see and incentivise.

Ms PEASE: I am also interested in the lighter-than-air balloons. I note that in your opening statement you said that you are working with event companies and the like. Has there been much pushback or reservation from these organisations?

Mr Connor: Largely, people are supportive of not having an impact upon our environment. I think there is a degree of appreciation for a methodical approach being taken, whether it is balloons or any of the other single-use plastics that we are forecasting future bans around, and we are well engaged with the business and industry sectors that they are relevant to. We are forecasting it and we are working with them so that they can work on their strategies and alternatives to adapt and change. From what I have been engaged in, that has been highly constructive.

Ms PEASE: Are there many of those sorts of organisations within Queensland? What are the numbers of lighter-than-air balloon companies? Toby from Boomerang Alliance spoke about an organisation. Have you had any engagement with that organisation?

Mr Connor: I believe the Pro Environment Balloon Alliance organisation is fully committed to making sure that the use of balloons is sustainable. I believe that the Boomerang Alliance submission talked about using that organisation as the sole supplier.

Ms PEASE: Do you know if they represent manufacturers or distributors of lighter-than-air balloons?

Mr Connor: I will just check.

Ms Hughes: I believe it is mostly the suppliers.

Ms PEASE: Consumers. I guess you would not have anything to do with the people who provide the gas. Are there any restrictions around that?

Mr Connor: The helium?

Ms PEASE: Yes.

Mr Connor: No, we are not directly engaged in the gas supply space.

Ms PEASE: I guess what I am thinking of is something like our local newsagency. You can buy those balloons and you can buy a bottle of the helium to fill the balloons. What sorts of things will be in place in the instance of those smaller places where consumers go in off the street to pick up balloons to use?

Mr Connor: In the terms of the helium regulation, it is not necessarily something that sits within the Department of Environment and Science portfolio.

Ms PEASE: Just the balloons.

Mr Connor: The plastics around the balloons themselves are.

Ms KING: We heard commentary from the Boomerang Alliance and others about the expiry of the exemption for the inclusion of integrated packaging items and some calls for that time frame to be wound back and for the exemption expiry to not be extended to 2025. Can the department provide any comment about how that transition is going, to the best of your knowledge, and what are the factors that led to a 2025 exemption expiry?

Mr Connor: In thinking about that forecasting cut-off date, it is important in terms of enabling time for business and industry to adapt and change processes and those manufacturing processes that sit behind the production of things like poppers. That said, we quite often see business leaders bring in solutions before those hard end dates. The reason we have gone with that 2025 date is to propose the hard cut-off date in alignment with the national packaging targets. It aligns with legislation that is already in place in Victoria. We are trying to not have multiple rule sets across different jurisdictions. Equally, if from the process of working with the industries that supply those products things can be brought on ahead of time then that is a win-win.

Ms KING: We have heard mention of popper straws and we have heard mention of integrated single-use plastic cutlery. What are the other major pinch points in that? I am trying to imagine what the issues are for industry as they seek to pivot away from that inclusion. Are there any other key challenges in that integrated packaging space?

Ms Hughes: The only other thing is that some instant noodles have plastic stirrers in them. We are probably looking at plastic cutlery, plastic straws and plastic stirrers. As Andrew said, a lot of the companies, through the Australian Packaging Covenant, are already working on better product packaging design, including those attachments, and moving away from some of the plastic things already.

Mr O'CONNOR: You mentioned that the waste strategy review will be released this week. From the last hearing I thought it was due every three years, but that was not the first report. From my reading of the current act, the first review of the waste strategy was due after two years, which would have been 2021. Can I get confirmation of that? That is how the current act was read and then it was three years after that. Was that first review actually due 2021?

Mr Connor: I am happy to go and check the act. My understanding was that it was every three years, which is why I informed the committee in the first hearing that it was 2022.

Mr O'CONNOR: The current act says the first review is due two years after the commencement of that section. If you would not mind clarifying that on notice, that would be appreciated.

Ms Hughes: That section started in 2011.

Mr O'CONNOR: That is the original act. It is three years, so it was 2022?

Ms Hughes: Yes.

Mr O'CONNOR: That is good, thank you.

CHAIR: Thank you very much to both of you for being here today. There is one question on notice, which is where the overseas waste is going.

Mr O'CONNOR: Where the liquid paper goes.

CHAIR: If we can have a response back by Monday, 3 April, that would be appreciated. Thank you very much for your contributions today and for answering our questions. I declare this public briefing closed.

The committee adjourned at 12.33 pm.