

Waste Reduction and Recycling and Other Legislation Amendment Bill 2023

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SUBMISSION

10 March 2023

Committee Secretary
Health and Environment Committee
Parliament House
George Street
Brisbane QLD 4000

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To The Committee Secretary

Re: Inquiry into the Waste Reduction and Recycling and Other Legislation Amendment Bill 2023

The Waste and Recycling Industry of Queensland (WRIQ) is the unified voice of waste management and resource recovery in the State. Representing more than 90 Queensland-based organisations ranging from multi-nationals through to small family owned and operated businesses, WRIQ engages in a broad range of state-specific issues of strategic importance to the sustainability and development of the waste management and resource recovery sector.

WRIQ represents all aspects of the sector including major landfills, transfer stations, resource recovery facilities, firming power facilities and collection services. WRIQ's mission is to elevate the waste management and recycling industries through services, education and advocacy for members to achieve successful economic, social and environmental outcomes.

We welcome the opportunity to provide a submission on the inquiry into the *Waste Reduction and Recycling and Other Legislation Amendment Bill 2023*. WRIQ provides this submission without prejudice to any additional submission from our members or other individual waste management and resource recovery operators.

Consultation

On 22 February, the Queensland Government tabled the *Waste Reduction and Recycling and Other Legislation Amendment (WRROLA) Bill 2023* in Parliament.

The policy objectives of the Bill are to:

- provide a head of power in the definition of waste to prescribe through regulation that a thing is not a waste and move the definition of waste from the *Environmental Protection Act 1994* (Environmental Protection Act) to the *Waste Reduction and Recycling Act 2011* (Waste Act)
- remove the automatic levy exemption for clean earth and subsequent removal of the definition of clean earth
- provide the head of power for a ban on the outdoor release of lighter-than-air balloons
- provide the ability for the chief executive to make a decision about:
 - amending or suspending a Resource Recovery Area declaration and
 - making a payment to a local government
- include the circular economy principle as a principle under the Waste Act
- change the review date for the Waste Strategy from three to five years and
- provide an expiry of 31 December 2025 for the exemption from the ban for an otherwise banned single-use plastic item that is integral to a shelf-ready product.

Background

In May 2022, the Department of Environment and Science announced the review of the Waste Management and Resource Recovery Strategy (Waste Strategy) and the waste levy efficacy. Under [section 73E](#) of the *Waste Reduction and Recycling Act 2011* (Waste Act), the efficacy of the waste levy must be reviewed within three (3) years after its commencement, with reviews thereafter to be conducted as required but at intervals of not more than ten (10) years between reviews. The waste levy commenced on 1 July 2019 and had to be reviewed by 30 June 2022. The levy efficacy review also coincided with the due date for the review of the Waste Strategy.

WRIQ notes that it made a submission to the Department on the joint review of the Waste Strategy and Levy Efficacy on 10 June 2022. In that submission WRIQ noted:

- The Department's position that clean earth can only be utilised for higher order uses, and its assumption that landfill construction is not a higher-order use is incorrect. The earth works associated with the construction and ongoing operation of a landfill is a legitimate and licenced engineering activity. Clean earth and other materials used in the construction and ongoing operation of a landfill must not be subject to the levy.

- WRIQ also noted that industry was still waiting to hear from the Department regarding queries raised around the levy implications for operators choosing an End of Waste Code approach versus levy exemptions and discounts for similar resource recovery activities (particularly around clean earth applications). WRIQ confirms that this matter is still not resolved (as of 10 March 2023).

WRIQ notes that the reports from the review of the Levy Efficacy and the review of the Waste Strategy have not been released. As such, WRIQ is unable to comment if the proposed amendments in the *WRROLA Bill* (such as the proposed change to the review date for the Waste Strategy from three to five years) are reflective of the outcomes of the review or not; or if there was board stakeholder support for this amendment.

Feedback

Plastics and Balloons

WRIQ supports the expiry for the exemption of single-use plastic items which are integral to a shelf-ready products and the ban on the outdoor release of lighter-than-air balloons.

Clean Earth

The rationale for the 'clean earth' exemption from the levy was that non-hazardous (regulated) earthen material should not be considered a waste product.

With landfill capacity significantly reducing across Queensland, particularly in SEQ, landfill void space is becoming an increasingly valuable commodity. Commercial landfill operators do not landfill clean earth as it diminishes void capacity and erodes infrastructure value; while the continued demand for clean earth means that project proponents do not have to pay commercial landfill rates for its disposal (upwards of \$200/tonne excluding the levy).

Clean earth is used on landfills for daily (waste) cover and engineering purposes. Its use is critically important for good environmental outcomes (such as controlling odour, vector attraction and litter) as well as legal compliance with the conditions imposed on Environmental Authorities (EA).

WRIQ has been concerned about the 'clean earth' definition, how it has been applied in a small number of cases and the potential misuse of the exemption by unlicensed landfill operators and those seeing to unlawfully 'dump' waste. The Department must have more resources to address pollution crimes and close unlawful operators. The decision to repeal the levy exemption for clean earth from 1 July 2023 is hasty and reckless at this time and will not address unlawful landfill and dumping activities.

The Department has advised industry that exemptions from the levy for landfill engineering purposes will continue and the onus is now on industry to apply for the exemption. However, there is still a lack of clarity around criteria and parameters for the exemptions (including end of waste code provisions),

despite all exemption applications requiring approval by 1 July 2023. WRIQ is concerned that there may be unintended consequences if the exemption for clean fill is not continued until 1 July 2024. Thus, providing adequate time to the Department to determine criteria for 'engineering use', the development of an End of Waste Code; and for industry to then apply for the exemptions in adequate time so there is no impact to lawful landfill operations or compliance with EA conditions.

Review of the Waste Strategy

WRIQ acknowledges the rationale behind the proposal to amend the review date for the Waste Strategy from three to five years. It recognises the delay in data for reporting purposes and that a lack of data means that any meaningful analysis or trend identification is weak (as it's over a shorter timeframe).

However, the Act is silent on the criteria for any review, and the current metrics identified in the Waste Strategy are not best practice. Industry seeks to work with the Department to document a robust review process for the Strategy as well as working on improving the metrics stated in the Waste Strategy, particularly to align them with the proposed expanded scope of the Waste Act (which includes the circular economy principle).

WRIQ looks forward to reviewing the published report into the review of the Waste Strategy.

Definition of Waste

WRIQ notes that the Bill provides a head of power in the definition of waste to prescribe through regulation that a thing is not a waste and move the definition of waste from the *Environmental Protection Act 1994* to the *Waste Reduction and Recycling Act 2011*.

WRIQ notes that the object of the *Environmental Protection Act 1994* is to:

protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (ecologically sustainable development).

WRIQ believes that this object is still highly relevant to the generation and management of wastes, and the recycling and recovery of materials. While the definition of Waste does fit into the objectives specified within the *Waste Reduction and Recycling Act*, the objective of ecologically sustainable development must not be lost.

With regards to the newly proposed provision to 'prescribe through regulation that a thing is not a waste', WRIQ has not been privy to discussion on this criterion or the perceived examples that would require a new regulation.

WRIQ notes the review of the End of Waste Framework in late 2022, commissioned by the Department of Environment and Science, following calls from industry that the framework was inadequate.

WRIQ made a written response on the review of the End of Waste Framework (on 21 November) via SLR Consulting, who were conducting the review on behalf of the Department. WRIQ is unclear if the review is now complete or ongoing, and if the need to 'prescribe through regulation' is an outcome/finding from this review.

Circular Economy Principle

WRIQ is highly supportive of including the circular economy principle as a principle under the *Waste Reduction and Recycling Act 2011*.

The [Circularity Gap Report 2023](#) noted that the global economy to be only 7.2 percent circular today, reducing from 9.1 percent in 2018; so of the 100 billion tonnes of virgin materials extracted annually, only 7.2 percent makes it back into the economy in the form of recycled materials. The report identified four key global systems accounting for the majority of emissions and waste – the built environment, food systems, mobility and transport, and manufactured goods and consumables.

There are obstacles to progress the change needed, not least there is still no clarity or a single definition or understanding of the Circular Economy or 'Circularity', a point that has now been raised in over 100 published critiques. There is no doubt that the term is uncritical, extremely descriptive and highly normative and that the concept is far from new. WRIQ notes its support for the wording proposed for new s9A at this time.

If the principle of the circular economy is being added to the Act, it is an imperative that the metrics of the Waste Strategy are updated so that we can quantify targets and progress against the new principle. If we are still not getting the current metrics for recycling right, how do we determine suitable metrics for the circular economy?

Resource efficiency and productivity are a measure for circularity. In January 2023, the UK's [Independent Review of Net Zero](#) (Mission Zero) by the Rt Hon Skidmore was released. The Mission Zero [report](#) clearly aligns the net zero agenda with circular economy outcomes, with one of the report's 25 recommendations '*to launch a task force to work jointly with industry to identify barriers and enablers and develop sector-specific circular economy business models for priority sectors*'.

To meet the principle of the circular economy in the Waste Act, it is essential that the Act also supports the development of Resource and Resource Use Plans for specific sectors that contain binding targets. Eighty (80) percent of impacts happen at the design, manufacture to retail stages. As such, it is easier to address resource productivity and circularity through virgin materials extraction, product design, import

standards, retail models etc. The waste management, recycling and materials recovery sector have assumed full responsibility and liability for the circular economy but with little control or influence.

WRIQ thanks the Committee for its time in considering this submission. Please do not hesitate to contact me at [REDACTED] if you have any questions.

Yours faithfully

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Dr Georgina Davis
Chief Executive Officer