

## Health Legislation Amendment Bill 2025

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<b>Submitted by:</b>	Waste Management and Resource Recovery Association of Australia
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Submitted via [online portal](#)

8 April 2025

Dear Mr Molhoek

**Re: Health Legislation Amendment Bill to amend the Tobacco and Other Smoking Products Act 1998 for particular purposes**

Thank you for the opportunity to provide feedback on the *Health Legislation Amendment Bill* to amend the *Tobacco and Other Smoking Products Act 1998* ("TOSPA") for particular purposes. The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia's \$17 billion waste and resource recovery (WARR) industry. With more than 2,300 members from over 410 entities nationwide, we represent the breadth and depth of the sector, including representation from business organisations, the three (3) tiers of government, universities, and Non-Government Organisations (NGOs), including research bodies. In Queensland, WMRR represents over 380 individual members from than 50 entities.

WMRR strongly advocates for a systems-based approach to managing materials in Australia with the clear goal of using less for longer. This includes fierce advocacy of the waste and resource management hierarchy, which promotes avoidance of waste, and the diversion of suitable materials from landfill through preference for the reuse, recovery, recycling and composting of appropriate resources. Equally important is the recognition that hazardous materials must be safely and appropriately managed throughout their lifecycle from design through to disposal and destruction. Our members are also involved in various e-waste and product stewardship schemes nationally. In this capacity, the WARR industry performs multiple roles including network operators, collection points, operating depots and operating remanufacturing facilities.

On 14 March 2025, the Hon Tim Nicholls, Minister for Health and Ambulance Services, introduced the Health Legislation Amendment Bill 2025 into the Queensland Parliament which included proposed amendment to the Tobacco and Other Smoking Products Act 1998 ("TOSPA"). The proposed amendment was prepared in accordance with section 38 of the *Human Rights Act 2019* and concerns the management and disposal of vapes in the context of enabling an expedited forfeiture process for products seized by Queensland Health and enabling provision for cost recovery through the courts.

The objective of the amendment is to enable the chief executive to order the forfeiture and destruction of vaping goods promptly upon seizure, ensuring rapid action to mitigate the safety risks associated with storing them for extended periods. This provision will only apply to vaping goods, without extending to other products seized under TOSPA that do not present the same risks or storage difficulties. The rationale for this amendment is the recognition that the cost of safely dismantling and disposing of vaping goods places an additional financial burden on the state, diverting funds away from enforcement, to instead be spent product destruction.

WMRR notes that motivation for the amendment is also linked to Queensland Health's dedicated efforts to minimise health risks associated with vapes, with 75,000 vapes seized in the last two (2) months. WMRR understands that seized vapes have to be stored under stringent protocols including the use of ventilated fire-

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resistant containers and these facilities are costly, with individual units typically priced between \$35,000 and \$65,000 each. Storage capacity across the system is now approaching its upper limit, thus impeding further enforcement efforts due to the lack of safe and secure places to store the vapes.

WMRR appreciates that the intention of the Bill is to implement a mechanism whereby those that are found to be supplying illegal vaping products are held accountable for the costs of their safe destruction and management including the costs of storing, transporting, dismantling and disposing of hazardous products such as vapes, in order that this cost is not borne by the State. WMRR supports this concept of 'producer responsibility' and would encourage the approach of placing responsibility on suppliers of products to bear the costs of their safe and effective disposal to be extended more broadly, in order that the risks and costs of these hazardous items in the community are mitigated and not borne by the community and the WARR industry.

*An opportunity for Queensland to take broader action on regulating vapes*

It is WMRR's view that the issues surrounding both costs and safety of managing, storing and disposing of vapes should not be restricted to consideration only in the contexts of law enforcement and health. The growing use and safe management of vapes disposal is a much broader, and highly significant issue for the State's environment portfolio which needs urgent attention. Earlier this year, WMRR noted the Crisafulli Government's three-point plan to tackle battery safety risks like those found in vapes and e-scooters, sparked by a spike in dangerous fires, leading to loss of WARR facilities in Queensland. However, disappointingly, this inquiry does not reference the gravity of the serious safety concerns to the community caused by the incorrect disposal of vapes, and in fact the limited availability of safe disposal options that exist in Queensland, leading to the incidence of these fires.

As noted in the Bill's explanatory note: *"Vaping goods present unique safety risks that make their management more complex than other seized substances like illicit tobacco. Vaping goods are highly flammable and create significant fire hazards, particularly when improperly handled, stored, or destroyed. The presence of lithium-ion batteries, which can overheat, leak, or explode under certain conditions, further complicates their handling. Additionally, vaping goods contain hazardous materials, such as liquid nicotine, heavy metals, and carcinogens, which pose health and environmental risks. Their non-compostable plastic components exacerbate environmental harm. Proper destruction requires careful handling and dismantling to mitigate these risks."*

WMRR understands that the Bill was referred to the Health, Environment and Innovation Committee for detailed consideration, and WMRR implores the Committee to extend its consideration of the costs and safety implications of managing vapes disposal beyond the implications for Queensland health and enforcement officers, and instead, continue the indicative commitment of the Crisafulli government to look at how the growing financial and safety burdens of managing vapes amongst the community and the WARR industry can be more effectively addressed by the State Government as a whole. Although vapes include a battery, they are outside the scope of the existing battery stewardship scheme, operated by B-cycle, and there is currently no safe and consistent disposal pathway for these items in Queensland. Until this is addressed, the growing safety risk posed by the storage and incorrect disposal of such items is likely to continue. In WMRR's view, this inquiry provides an opportunity for the Committee to highlight to the government, that urgent attention needs to be given to the ongoing safe management of vapes through their entire lifecycle which includes disposal at end of life.

*A serious safety risk for the broader community and the WARR industry that needs urgent attention*

Fires because of batteries and battery-related products (such as vapes) are at crisis level for the WARR industry in Australia. Every day in our trucks and facilities we are seeing increased incidence of fires due to batteries and battery powered products. These are hazardous items that need to be managed accordingly and do not belong



in our waste stream. One (1) industry analysis completed in 2024 estimated that there were as many as 12,000 fires in the WARR industry due to incorrect disposal of these products.

Queensland has had more than 200 battery related fires reported in the last 12 months. However, most people do not appreciate the significant impact that incorrect disposal of a battery-powered item can have on the safety of WARR workers and the community, or the financial ramifications for the community of fire related damage to essential waste facilities. Earlier this year, Cairns Council had an important facility extensively damaged due to a battery fire, with the cost of replacing it estimated at \$30 million. This loss will also disrupt services to local businesses and communities as it is made safe and rebuilt. Similar incidents have occurred throughout Australia because of battery related fires. The ongoing financial and social cost of these products, which have no clear end-of-life pathway, is rapidly increasing and will ultimately be passed on to the community through higher service costs, rate increases, and rising insurance premiums for WARR facilities.

The amendment to the Bill recognises that vapes must be dismantled before safe disposal, with each component including plastics, batteries and toxic liquids requiring specialised handling. Improper handling can lead to personal injuries if batteries explode or ignite and to environmental contamination if toxic chemicals seep into our soil and water. These items, once seized, need to be transported to appropriate facilities, stored and then safely dismantled and destroyed to ensure they cannot re-enter the market.

The risk and ongoing occurrence of battery fires to WARR staff and facilities resulted in significant advocacy by WMRR of State and Federal Environment Ministers. Despite battery fires featuring heavily across the Australian media and plans for national product stewardship for batteries being tabled at the December 2024 National Environment Ministers' Meeting, there has been a lack of action on the issue at a federal level. Industry collectively has been calling on Ministers to address what we consider to be a significant cause of these fires, that is, the lack of appropriate collection infrastructure for battery powered products including vapes.

WMRR has advocated extensively for a national mandatory regulated scheme for the end-of-life management of batteries including battery powered items. This includes urging the Federal Government to broaden the Department of Health's proposal to regulate vapes to also include regulation of vape management at end-of-life, given data from the Australian Competition and Consumer Commission (ACCC) showing that 52% of all burn injuries related to li-ion batteries between 2017 and 2022 came from vapes and e-cigarettes. The reality is that the WARR industry are not the manufacturers of these products, but we are the ones dealing with the financial and safety consequences of consequences of having these products in circulation. The cost and the danger to life posed by vapes (and li-ions) is completely unacceptable.

Please note that in 2024 there was an agreement reached at the Environment Ministers' Meetings (EMM) for the need for urgent reforms to product stewardship arrangements for all batteries to address the escalating risks of fires and create a safe, circular economy for batteries. In December 2024, NSW committed to delivering legislation for mandatory product stewardship, and as you may be aware, the *Product Lifecycle Responsibility Bill* was tabled in the NSW Parliament on Tuesday 18 March 2025 and passed on Friday 28 March 2025 with overwhelming support from all parties and members. The NSW Act proposes to establish a mandatory product stewardship framework for brand owners of certain products and will give the ability to establish a product stewardship scheme for a particular product and provides the legislative framework to ensure that there is regulatory oversight of a product stewardship organisation when dealing with products that can cause harm. The framework established under the Act allows the Minister to prescribe, by regulation, requirements across the entire life cycle of a product, including the development, design, creation, production, assembly, supply, use or re-use, collection, recovery, recycling or disposal of the regulated product. WMRR would urge the Queensland Government to adopt mirror legislation to enable it to address vapes, creating a mandatory stewardship scheme and work with NSW to create a mandatory national scheme to address these ongoing risks to both the WARR industry and the community.

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*An opportunity to complement broader state policy objectives by taking action on vapes*

As outlined above, vaping goods contain hazardous components that require specialised storage and handling, leading to substantial costs. Whilst it is admirable that the State has taken steps to address the significant health risks associated with vapes and taken enforcement action on those that supply them, it would be ideal if the increasing safety risks of potential fires in WARR collection vehicles and facilities, caused by the incorrect disposal of vapes – and the consequent cost to the WARR industry and the community – was also given significant attention by the Queensland Government.

The management of vapes is not just a health issue. The safety and costs considerations of managing vapes within the broader Queensland community should be considered in accordance with the *Waste Reduction and Recycling Regulation 2023 (WRR Regulation)* as well as broader circular economy policy objectives – both nationally and within Queensland, to create a safe circular economy wherein materials brought to market are safely managed to reduce their impacts on the environment. In its upcoming review of its Queensland Waste Strategy, WMRR would encourage putting forward a key action that prioritises mandatory safe collection and disposal of vapes and battery powered products.

WMRR trusts that in its consideration of the safety and financial concerns raised by this proposed Bill, the Committee will recommend that these concerns need to be addressed more broadly by the Queensland Government and propel urgent action being taken for the safe management and disposal of vapes.

Please contact the undersigned if you wish to further discuss WMRR's submission.

Yours sincerely



Gayle Sloan

**Chief Executive Officer**

Waste Management and Resource Recovery Association of Australia

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