

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

**Submission No:** 014

**Submission By:** U Can Recycle Pty Ltd

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# Submission on the Container Refund Scheme Amendment Bill 2026 (Qld)

## Introduction

This submission is made by **U Can Recycle** which has direct operational experience in the Container Refund Scheme across Queensland and Western Australia. U Can Recycle was among the first operators to start with the Containers For Change scheme in Queensland in 2018.

With this experience, U Can Recycle well understands the community involvement in this scheme and the aim for this scheme to largely benefit Queensland communities. U Can Recycle commends the efforts that the Parliamentary Committee went to in its report published in October 2025.

Like most operators, U Can Recycle awaits the response of the Crime and Corruption Commission to the matters referred to it by the Committee. The Commission's response will provide scheme operators with more knowledge as to the behaviour of Container Exchange (CoEx). Confidence in CoEx is vital for Queenslanders. This scheme can provide the state with generous benefits if it is properly governed and operated.

While the Container Refund Scheme delivers important environmental and community outcomes, its long-term success depends on trust, fairness, transparency and accountability. The concerns outlined in this submission, particularly those relating to concentration of power, cultural issues, lack of oversight, and denial of natural justice, indicate a clear need for meaningful legislative, regulatory and structural reform. Urgent action is required not only to restore confidence in the scheme but also to protect the livelihoods of operators who play a critical role in its delivery.

U Can Recycle supports the aim of the *Container Refund Scheme Amendment Bill 2026* to improve governance, transparency and accountability. There are several positive steps in this Bill including improved ministerial oversight, changes to board composition and reporting obligations.

However, the Bill can be improved on several fronts. This includes issues impacting operators through independent oversight and matters around complaints handling and procedural fairness.

This submission identifies those topics and proposes targeted amendments to improve the Bill.

## **Summary**

The Bill strengthens oversight of the Product Responsibility Organisation (PRO) but does not sufficiently strengthen protections for scheme participants. Operators need to have more avenues through which their concerns can be addressed. The Bill can do this by undergoing amendments that can:

- Address the power imbalance, particularly for small operators
- Introduce independent review mechanisms
- Strengthen procedural fairness and complaints handling
- Improve transparency and accountability
- Establish a governing body to protect operators

## **Independent Oversight and Review Mechanisms**

While the Bill increases Ministerial oversight of the PRO, it does not provide operators with access to an independent review of decisions affecting their participation. That means that decisions with significant commercial consequences are effectively unreviewable in practice. The Bill does not improve this situation. That leaves operators seeking judicial review which is limited in scope and expensive.

To improve this situation, the Bill can be amended to include an independent review or appeals mechanism such as a tribunal or panel for decisions affecting operators. These should be followed by the availability of internal review and external review of decisions.

## **Procedural Fairness and Natural Justice**

The Bill introduces procedural safeguards at the PRO level but does not embed consistent procedural fairness requirements for operators. This still leaves operators at risk of adverse decisions without clear reasons or an adequate notice period. There is also doubt over how operators would have a reasonable opportunity to respond.

This can be overcome by amending the Bill to require that operators receive reasonable notice of allegations or concerns and that they are provided with a genuine opportunity to respond. Operators must be provided with written reasons for decisions. And enforcement actions must be fair and proportionate.

## **Complaints Handling and Safe Reporting**

The Bill includes a complaints framework but does not prescribe minimum standards to ensure independence and safety. This can lead to a lack of confidence in complaints processes and a risk of adverse consequences for operators raising concerns.

The Bill can be improved to ensure that the complaints framework has independent oversight and is subject to independent audit. There needs to be confidential reporting channels and protections against retaliation for complainants. There should be mandatory timeframes for responses and a mechanism to publicly report complaints data and outcomes.

## **Network Planning and Site Placement**

The Bill recognises the importance of network planning but does not provide sufficient clarity or enforceability. There needs to be an understanding that infrastructure placement may negatively impact existing operators and that there is a lack of transparency in site allocation decisions. There is a requirement for consideration of proximity, economic viability and network impact.

The Bill should be amended to require transparent criteria for site selection and mandatory consultation with impacted operators. There should be mandatory consideration of market impact and sustainability of existing operations. And there should be a requirement for publication of reasons for site placement decisions.

## **Transparency and Use of Scheme Funds**

This is an important part of this submission. This scheme has a public purpose for positive outcomes and this area has the potential to cloud the scheme's goodwill if there is a lack of transparency.

The Bill improves transparency but does not sufficiently address the use of scheme funds in enforcement and legal contexts. There is a perceived imbalance where scheme funds are used in enforcement against operators. This should not occur. And there is limited visibility of legal and compliance expenditure.

The Bill should be amended to require mandatory disclosure of expenditure on legal and enforcement procedures. This should be broken down to report on allocations between administration, compliance and enforcement and operator support.

## **Imbalance of Power and Access to Justice**

This Bill does not properly address operator access to dispute resolution or support or the structural imbalance between the PRO and operators. This leads to operators facing significant financial and procedural barriers in challenging decisions. This limits access to justice and accountability.

U Can Recycle has significant experience in this area with CoEx. Our experience can help to lead to better outcomes for all operators who deserve access to better dispute resolution and less structural imbalance with the PRO.

The Bill should be amended to provide accessible dispute resolution mechanisms. There should be consideration for the establishment of an operator support or assistance framework. And the Bill should ensure that review processes are practical and affordable.

## **Small Business Vulnerability**

The decision-making framework lacks explicit recognition of the realities of small business. Many operators are small businesses highly dependent on scheme settings. This raises the risk that decisions may have disproportionate impacts on small operators. The Bill does not properly recognise this vulnerability. At a minimum, the Bill must support the sustainability of existing operators.

The Bill must be drafted to show that it recognises the commercial impact on small operators. To do this, the Bill must include safeguards that prevent disproportionate or abrupt adverse actions.

## **Governance Capability and Transparency**

The Bill strengthens governance structures but does not ensure sufficient operational insight or transparency at the decision-making level. This creates a risk of decisions lacking practical operational understanding along with the risk of limited visibility of decision-making processes.

The Bill should be amended to require the inclusion of relevant operational experience in governance structures. This is a must to ensure the governance level has real experience in the area in which it oversees. Along with this, there needs to be stronger transparency of decision-making processes. To do this, there must be a requirement to publish key decisions and rationales.

The Bill should require the establishment of a governing body to protect operators. This is important to restore balance and accountability. This submission strongly recommends the creation of an independent governing body specifically tasked with protecting depot operators. This body would provide a formal structure enabling operators to raise concerns, contribute to policy and participate in decision-making. Such a structure would help rebalance the current power asymmetry within the scheme.

## **Conclusion**

The Bill represents an important step toward improving governance and accountability within the Container Refund Scheme. But it must go further to address key topics including independent oversight of decisions, procedural fairness and natural justice, complaints handling and safe reporting, transparency of funding and decision-making, network planning impacts, structural imbalance between participants and protection of small business operators

These issues are vital to the integrity and sustainability of the scheme. Targeted amendments addressing these matters will ensure the scheme operates not only effectively, but also fairly and transparently for all participants particularly the small businesses that are so important to its success and community outreach.