




Speech By
Hon. Leanne Linard

MEMBER FOR NUDGE

Record of Proceedings, 23 May 2023

**WASTE REDUCTION AND RECYCLING AND OTHER LEGISLATION
AMENDMENT BILL**

Second Reading

 **Hon. LM LINARD** (Nudgee—ALP) (Minister for the Environment and the Great Barrier Reef, Minister for Science and Minister for Multicultural Affairs) (4.13 pm): I move—

That the bill be now read a second time.

The Palaszczuk government is strongly committed to reducing the amount of waste that goes to landfill, reducing greenhouse gas emissions and creating more good jobs in our state's recycling and resource recovery industry. This industry currently supports some 12,000 jobs and contributes \$1.5 billion to the state's economy annually. By 2030, we want to stop 80 per cent of material from ending up in landfill and recycle 65 per cent of our rubbish. This is an ambitious but achievable target. Our \$1.1 billion Recycling and Jobs Fund will invest in new green bins for households, contribute to statewide behaviour change campaigns and co-invest with councils and industry to deliver even more recycling infrastructure across the state.

We must also get the policy settings right if we are to succeed, and that is where this bill is so important. The amendments this bill gives effect to will embed circular economy principles into our Waste Reduction and Recycling Act. By embedding these principles, we will enable improved resource recovery and reduce the long-term environmental impacts of these products. This bill also enacts the Palaszczuk government's commitments to remove the automatic levy exemption for clean earth delivered to a leviable waste disposal site and ban the release of lighter-than-air balloons from 1 September this year as part of our five-year action plan on single-use plastics.

I want to thank the Health and Environment Committee for its examination of the bill and its report, which was tabled on 14 April 2023. I note the committee's report contained one recommendation—that the bill be passed—and I thank the committee for this recommendation. I also want to thank those who made submissions to the committee about the bill and those who appeared as witnesses as part of the committee's inquiry.

I will turn now to the key elements of the bill. The bill removes the automatic levy exemption for clean earth and subsequently removes the definition of 'clean earth' to take effect from 1 July 2023. In removing the automatic exemption, the operator of a leviable waste disposal site can apply for an operational purposes exemption that will allow clean earth to be used beneficially for the good operation and maintenance of a landfill without the disposal levy being applied.

This bill will also provide a head of power for a ban on the outdoor release of lighter-than-air balloons commencing from 1 September 2023. Balloon releases are currently considered to be littering under the littering provisions of the Waste Reduction and Recycling Act. However, the introduction of a ban on the release of lighter-than-air balloons provides clarity and certainty for individuals, event

organisers and balloon suppliers and fillers and is a preventive measure to avoid the action that leads to littering. In the lead-up to the commencement of the ban, extensive information will be provided to ensure that interested and impacted parties are aware of the ban—which is a ban on the release of lighter-than-air balloons, not a ban on balloons—and what it means to them.

The amendments in this bill will also provide a head of power in the definition of ‘waste’ to enable a thing to be prescribed by regulation to not be a waste. Further, the bill provides the things that are to be considered before the minister can recommend the making of a regulation, including consultation on the proposed change, consideration of the results of consultation and whether the proposed change achieves the objectives of the Waste Reduction and Recycling Act and the Environmental Protection Act 1994. The definition of ‘waste’ will be moved from the Environmental Protection Act to the Waste Reduction and Recycling Act. This provides a strengthened connection with, and consideration of, the circular economy and product stewardship principles and improved resource recovery outcomes as well as environmental protection considerations when considering whether a thing should be prescribed to be not a waste.

This bill will include the circular economy principle as a principle under the Waste Reduction and Recycling Act and include circular economy as a consideration in preparing a waste management strategy. Incorporating the circular economy into the legislation strengthens the connection between circular economy outcomes and their consideration for inclusion in policies, strategies and programs. Amendments in this bill will authorise the chief executive of the Department of Environment and Science to make a decision about amending or suspending a resource recovery area declaration and making a payment to a local government, including to mitigate the direct effects of the waste levy on households in a local government area.

This bill will change the review period for the state’s waste management strategy from three to five years. Changing the review date for the waste strategy gives us the ability to better assess performance against the targets and objectives of the strategy and determine the impact of implemented policies and programs in supporting progress towards the targets.

The bill will set an expiry date of 31 December 2025 for the exemption from the ban for a single-use plastic item that is an integral part of a shelf-ready product. The proposed time-limited exemption is consistent with the time frame of the National Packaging Targets where 100 per cent of all Australian packaging is to be re-usable, recyclable or compostable by 2025 and national work to phase out unnecessary and problematic plastics.

In respect of committee consideration, the bill was referred to the Health and Environment Committee on 22 February 2023. The committee held a public briefing on 3 March 2023, which was followed by a public hearing and further public briefing on 27 March 2023. The committee’s report was tabled on 14 April and, as I mentioned earlier, it contained one recommendation: that the bill be passed. Through consideration of the various proposals in the bill, the committee also assessed whether proposed new provisions have sufficient regard to rights and liberties of individuals.

In relation to the new offence under section 99GJ(1), which is effective from 1 September 2023, this provides for a 50 penalty unit offence for releasing a lighter-than-air balloon in an outdoor setting or an indoor setting where the balloon is allowed to escape into the environment. Exemptions for this offence apply, including for the release of a lighter-than-air balloon for scientific research. The committee noted that the 50 penalty unit offence is consistent with the penalty for noncompliance with the ban on the supply of single-use plastic items, which commenced on 1 September 2021. However, it is a larger penalty than that existing for general and dangerous littering. The explanatory notes state that ‘the intent of the balloon release ban is to prevent the release action so that the balloon does not become litter’, which warrants a larger penalty to provide that deterrent. The committee commented that, given the desired deterrent effect of this offence provision and its consistency with the single-use plastic items ban, it is satisfied that the proposed new offence has sufficient regard to the rights and liberties of individuals.

Proposed new section 72VA(1) enables the chief executive to amend or suspend a resource recovery area declaration at a waste disposal site if satisfied of certain matters and after undertaking a show-cause process with the site operator. This section provides a new power for the chief executive and allows for a potential escalation of enforcement concerning resource recovery areas. Without the proposed new section, only the operator of a waste disposal site for which a resource recovery area has been declared can amend the declaration; the chief executive may only revoke the declaration. The new section allows the chief executive to amend or suspend a declaration if the chief executive is satisfied that the preconditions for declaring a resource recovery area are no longer met or where an investigation or monitoring of activities on the site is being undertaken. It enables the operator to continue operations without disruption or interruption should the results of the investigation determine

no further action is required or where the preconditions for declaring the area are readily remedied. The committee was satisfied that the statutory safeguards in place mean that the proposed new section has sufficient regard to the rights and liberties of individuals.

In acknowledging the committee's recommendation, I also confirm that I will be proposing for amendments to be moved during consideration in detail as a result of a matter that was raised in several submissions to the committee. The Waste Reduction and Recycling Act requires local governments and state government agencies to prepare a waste management and resource recovery plan and to review that plan every three years. Stakeholders identified that proposing through the bill to change the review date for the waste management strategy from three to five years left an inconsistency with the review period for the local government waste management and resource recovery plans, which remain at three years. The Department of Environment and Science subsequently identified the same inconsistency for state entity waste management plans. Proposed amendments to this bill will provide for a review period of five years for local government and state entity waste plans to align with the review period for the waste management strategy.

I would like to briefly refer to the LNP committee members' statement of reservation. While I thank the LNP committee members for their deliberations and support for the passage of the bill, I would like to address several of the issues raised. As stated by the Department of Environment and Science, the review of the waste strategy was completed in 2022. However, prior to the draft review report being released with just two years worth of available waste and resource recovery data used to evaluate our progress towards the targets, a third year of data was to become available. With the publication of the annual recycling and waste report in December 2022, a decision was made to recast the review report to include three years worth of data, to provide a more informed picture of how we are tracking. While the outcome of including the additional year's data made it clear that Queensland is not currently on track to meet the strategy targets, except those in the construction and demolition space, this also provides an opportunity to focus work and investment into key areas. There is certainly a lag time between the implementation of policies and projects, such as processing infrastructure investment and realising the benefit from those projects.

The Palaszczuk government is committed to working with local governments, businesses and the resource recovery industry to improve the way we manage our waste and recover our resources, and to improve the way we collect the information we need to make crucial evidence-based decisions. If we had not waited to incorporate the additional data when it was available to do so then the review report released with just two years of data would have shown that we were on track to meet seven of the nine targets. The decision to include the third year was promoting accountability and transparency, not hiding from it, as suggested by the LNP committee members' statement of reservation.

In relation to the suggestion of censoring councils from making public any concerns about potential waste levy impacts, the purpose is not to restrict councils from talking about the costs and benefits of delivering improved services for communities. The purpose of provisions to prevent misinformation in relation to an annual payment, as it has always been, is to ensure that councils do not misinform householders about the application and impact of the levy on household waste. The Palaszczuk government made a commitment that there would be no direct impact to households as a result of the levy and has delivered on this commitment by providing councils that dispose of household waste at a levy or waste disposal site with an annual payment.

I would also like to thank my predecessor, Minister Scanlon, and her team for their important work in regard to the bill. I acknowledge all of the commitment she has shown to the important reforms in this area. It is a pleasure to follow her. I commend the bill to the House.