



Mr Jamie Merrick
Director General
Department of Environment and Science
GPO Box 2454
Brisbane QLD 4001

Email: EPAct.Policy@des.qld.gov.au

10 November 2023

Dear Mr Merrick

**Re: Improving the powers and penalties provisions of the Environmental Protection Act 1994
Consultation paper**

Thank you for the opportunity to provide feedback on the *Improving the powers and penalties provisions of the Environmental Protection Act 1994 Consultation paper*. The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia's \$15.8 billion waste and resource recovery (WARR) industry. With more than 2,200 members from over 400 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.

At a high level WMRR is very pleased to see ongoing attention and reform by government to our essential sector. We strongly believe that given Queensland continues to have one of the lower recovery rates in Australia, requiring an additional two (2) million tonnes of infrastructure capacity and investment to be delivered over the next seven (7) years in order to achieve its 2030 targets of 80% resource recovery, there is still significant work required to build a proactive regulatory system that incentivises environmentally sound behaviours.

While WMRR supported the review, we continue to encourage the government to consider what features and functions are necessary (and currently lacking) to enable both a strong strategic and operational approach towards policy and regulatory functions, as well as efforts to achieve both a circular economy in Queensland and strong market development. WMRR's responses to the consultation questions can be found at **Annexure A**. 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

WMRR NATIONAL OFFICE
57 ST JOHNS ROAD
GLEBE NSW 2037

(02) 8746 5000
INFO@WMRR.ASN.AU

WMRR.ASN.AU

Submission:

<p>Recommendation 2</p> <p>Sections 8 and 9 of the EP Act should be amended to include the concept of “human health, safety and wellbeing” in the definitions of environment and environmental value.</p>	<p>Supported.</p> <p>It should be clarified that the definition of environment as related to human health does not include a worker as defined under the <i>Work Health Safety Act</i>, but the human health environment outside of an industry or workplace. The primary legislation for worker health should remain the <i>Work Health Safety Act</i> (ie the environment within a workplace/industry), to make it clear the <i>Environment Protection Act</i> regulates the environment, including human health, for all other situations where the <i>Work Health Safety Act</i> does not apply.</p>
<p>Recommendation 10(a)</p> <p>The power to amend a Transitional Environmental Program (TEP) be expanded to: (a) allow the administering authority to amend without consent of the operator</p>	<p>The power should also include the ability of the administering authority to cancel a component, or all, of a TEP if desirable.</p>
<p>Recommendation 11</p> <p>In the event that a general environmental duty (GED) offence was not preferred, consideration might be given to including the general environmental duty within the scope of operation of section 505 of the EPA (Qld), by way of example, by introducing the words “a contravention of the general environmental duty or...” after the words “or restrain” and “or anticipated” and before the word offence” in section 505(1).</p>	<p>While WMRR supports the GED offence, in our opinion, there must be a publicly available threshold for proving non-compliance to remove subjective decision making from the equation.</p>