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Lodged via [online portal](#)

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Dear Ms O'Callaghan

Re: Proposed legislative amendments to reduce litter and boost recycling

Thank you for the opportunity to provide feedback to the Department of the Environment, Tourism Science and Innovation (DETSI) on the proposed legislative amendments in the [Waste Consultation Paper: Proposed legislative amendments to reduce litter and boost recycling](#) ("Consultation Paper") and for accommodating the WMRR Queensland Branch with a briefing at our meeting on 10 June 2026. The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia's \$20 billion waste and resource recovery (WARR) industry. With more than 2,300 members from over 380 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 from across the entire value chain.

The ten (10) amendments proposed align with the broader strategic considerations to streamline processes, support end-market development and prepare for major infrastructure projects including the 2032 Olympic and Paralympic Games. The priority amendments to which WMRR has provided specific comments relate to:

- *Meaning of waste* - which address current restrictions on recycling and reuse by allowing valuable processed material to stop being classified as 'waste' without requiring End of Waste Codes or specific regulations;
- *Removal of littering provisions for unsolicited mail* – which seek to devolve responsibility from DETSI to local government; and
- *Soil Management Licences* - which revoke the transitional arrangements in place since 2014 for soil disposal permits by introducing provisions for the movement of contaminated soil from the Environment Management Register (EMR) and Contaminated Land Register (CLR) listed sites for treatment, disposal and limited reuse.

i. Meaning of Waste

It is proposed that the definition of *waste* in section 8AA of the *Waste Reduction and Recycling Act 2011* (WRR Act) be reviewed to clarify that a material which no longer meets the definition of waste should not be considered waste, solely because no End of Waste (EOW) code exists for it. As the Consultation Paper notes *"The lack of clarity around the definition of waste has the potential to have serious economic impacts for the waste processing industry and companies who are exploring innovative ways to reuse and recycle products."*

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WMRR supports the objective of modernising the waste framework to improve resource recovery outcomes, provide greater clarity regarding when materials are considered waste, and reduce unnecessary regulatory barriers to the beneficial reuse of materials. The proposed introduction of concepts such as "reuse material" and "recovered product" appears broadly consistent with recommendations arising from the End-of-Waste (EoW) Review, which identified the need for an intermediate pathway to recognise materials that are not waste before the End-of-Waste framework is triggered.

The Consultation Paper notes that this could be achieved through an additional provision, (for example as provided in the Consultation Paper, *"...To remove any doubt, a thing ceases to be waste if it has been processed, transformed or remanufactured, meets any applicable standards to prevent environmental harm, and no longer meets the definition of waste under this section."*) and/or by empowering the chief executive to issue guidelines on the interpretation of waste, including practical examples.

The proposed approach is also broadly consistent with that taken by the Victorian EPA, who consulted on their waste guidance in late 2025, identifying several key factors relevant to determining whether a material is a waste, including the cost and burden of disposal, certainty of end use, fitness for purpose, economic value, and whether a material is a genuine by-product. In particular, materials with an established market, are produced intentionally, meet applicable standards, and are managed under commercial arrangements may not appropriately be considered waste. Similarly, WMRR understands that following the Wilkinson [Review of the Resource Recovery Framework](#), the NSW EPA is also looking at mechanisms for materials to exit their Regulatory Framework to improve circularity, beneficial reuse and remove regulatory burden for materials that are valuable circular economy inputs. Given the number of companies operating nationally, we would encourage national consistency in finalizing this approach, to achieve as much alignment as possible to reduce regulatory inconsistency and financial burden.

However, while DETSI's proposed direction is supported in principle, it remains difficult to fully assess the amendments without greater detail regarding the practical implementation of the self-assessment pathways, supporting statutory guidance, and the specific criteria that will determine whether a material is considered waste, a reuse material, or a recovered product. WMRR makes the following comments:

a. The End of Waste framework should only be considered once other circular pathways are exhausted

One (1) of the key findings of the End-of-Waste Review was that materials often had to first become a waste before they could subsequently be determined not to be a waste through the End-of-Waste framework. This created unnecessary regulatory complexity and uncertainty. The proposed reforms appear to address this issue by creating clearer pathways to identify materials that are not waste in the first instance through concepts such as reuse materials and recovered products. However, the End-of-Waste framework should remain a mechanism of last resort. The regulatory pathway should first consider whether a material is:

- A product;
- A by-product with an established market;
- A reuse material;
- A recovered product; or
- Otherwise not a waste under the legislation.

Only where those pathways have been exhausted should the End-of-Waste framework be required. Accordingly, WMRR recommends that the revised waste framework flowchart presented to WMRR in the information slides

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be amended to better reflect this hierarchy and position the End-of-Waste framework after consideration of the new reuse and recovery pathways. This flowchart should be included in any guidance material to show the key points when a material will begin to be considered a waste.

b. Recovered Products and Self-Assessment Pathways require risk-based guidance

While the proposed reforms may reduce reliance on End-of-Waste Codes, the framework will continue to play an important role for higher-risk materials and land application activities with materials such as compost, biochar, incinerator bottom ash aggregate (IBAA) and other materials applied directly to land, expected to continue requiring additional regulatory oversight. However, in WMRR's view, the Consultation Paper does not adequately address the risk thresholds that would determine when End-of-Waste Codes remain necessary. Instead, broad criteria are proposed to determine when materials generated through Environmentally Relevant Activities (ERAs) are not considered waste.

While WMRR supports the proposed move toward self-determination and self-assessment where appropriate, the effectiveness of this approach will depend entirely on the criteria used to determine whether a material qualifies as a recovered product, and WMRR remains unconvinced that a single set of blanket criteria can effectively apply across the diversity of Queensland's ERA framework. There is significant variability between industries, processes, material streams, contaminants, chemicals, proposed uses and environmental risks. Consequently, a generic assessment framework may either become overly simplistic and fail to address environmental risks or become excessively complex and difficult for industry to apply. It could be argued that a similar approach was taken in the development of the Queensland Organics Strategy. Specifically, the strategy failed to adequately address the risks that the regulatory arm of DETSI considered to be associated with the potential presence of PFAS, or to establish appropriate risk thresholds. This has contributed to ongoing uncertainty around the product pathway, resulting in continued frustration and a lack of investment in Queensland's FOGO industry for the past three (3) years.

At present, the consultation material provides limited information regarding:

- The proposed assessment criteria;
- The evidentiary requirements;
- Applicable risk thresholds;
- Compliance expectations; and
- The interaction with existing regulatory frameworks.

Without specific guidance on these matters, it is difficult to assess whether the proposed framework will genuinely simplify resource recovery or simply relocate existing regulatory barriers into a new approval pathway. WMRR is particularly concerned that existing challenges experienced under current policy settings, including low-level contaminants such as PFAS in land applied organics, or the beneficial reuse of reclaimed asphalt pavement (RAP) may simply be transferred into the recovered product framework if clear and practical criteria/thresholds are not established. For example, stockpile and storage limits for 'waste' are operationally and commercially impractical for RAP, creating unnecessary constraints on its effective use. A lack of clear guidance for these circular economy inputs can result in uncertainty and inconsistent application.

The success of the proposed reforms will therefore depend heavily on the development of clear, practical and risk-based guidance material, which should provide some certainty as to how proponents can demonstrate that a material is low-risk and clearly out of the End of Waste framework. WMRR therefore recommends that

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supporting guidance be developed in parallel with legislative amendments and released for stakeholder review wherever possible, and consideration be given to DETSI leading the development of some clear product standards (such as the [NSW resource recovery orders and exemptions](#) for commonly recovered and reused wastes.) to provide clarity and certainty for investment.

c. Clarification of Key Concepts should be included in the guidance

The proposed separation of the concepts of "unwanted", "by-product" and "surplus" is supported in principle. However, these concepts require further clarification and guidance, notably:

- In relation to 'unwanted', DETSI indicated during the WMRR Branch meeting that the generator's perspective should determine whether a material is unwanted and that movements of materials between project sites for reuse would generally not constitute waste. WMRR supports this interpretation in theory but considers there may be instances that the material may not be suitable for reuse due to high contaminant levels (eg asbestos, lead, PFAS) for example, and as such detailed statutory guidance and practical case studies will be essential to ensure consistent application. Particular guidance is required where:
 - A material is unwanted by the generator but wanted by another party;
 - A material requires temporary storage prior to reuse;
 - Materials are transferred between facilities operated by the same entity; or
 - Materials are moved between infrastructure projects.
- In relation to "by-products" WMRR supports DETSI's stated intention that genuine by-products with established markets should not automatically be considered waste. The current drafting should be carefully reviewed to ensure that the mere existence of a by-product does not automatically result in the material being classified as waste as that resource can have value as an input into another process. Examples such as agricultural by-products being sold into secondary manufacturing markets, such as split tomatoes being sold for vitamin manufacturing, demonstrate the importance of ensuring valuable resources are not unintentionally captured by the waste framework. As discussed in the WMRR Branch meeting and acknowledged by DETSI, there is some work to do on drafting to ensure that a 'by-product' on its own is not considered a waste.

d. Further clarity is needed on what is meant by 'required standards'

The Consultation Paper's example provision suggests that '*...a thing can cease to become a waste if the thing....meets a require standard to avoid environmental harm*', and in the workshops, reference was made by DETSI representatives to compliance with relevant published standards. Whilst WMRR supports the need for objective standards to prevent the creation of self-defined standards that undermine environmental protections, clarification is sought regarding:

- What constitutes a 'required' standard? Whether standards must be Australian Standards or ISO standards?
- How generally accepted industry standards will be recognised?
- How innovative products will be assessed where no formal standard exists.

Alternatively, if a risk based criteria or threshold is applied to the self-assessment pathways for recovered products, as suggested above, this would mitigate the risks of environmental harm.

e. The retention of Ministerial Declaration Powers is not adequately discussed

WMRR notes that legislative amendments introduced in recent years provided the Minister with the ability to prescribe certain materials as not being waste. To date, this power does not appear to have been utilised, it is therefore unclear whether the provision has failed to achieve its intended purpose, remains necessary, or if the proposed recovered product framework is intended to replace it. As outlined in the WMRR Branch meeting with DETSI, it seems unusual that this provision was introduced without an intended material/s for its use. Prior to removing or replacing this mechanism, stakeholders would benefit from a clearer understanding of the original policy intent of this provision, and how the proposed framework addresses any identified shortcomings.

ii. Littering provisions for unsolicited advertising material

It is proposed to repeal Chapter 5, Part 2 of the WARR Act regarding unsolicited advertising material for premises as these are considered minor nuisance issues which could be enforced at a local level under local laws. WMRR does not support the proposed delegation of junk mail compliance and enforcement responsibilities to local governments without a clear understanding of the associated workload and funding implications. Put plainly, if DETSI can't handle this, then under resourced councils are unlikely to do much better given that they are reliant on limited funding for illegal dumping officers as it is. Local governments are already managing significant compliance responsibilities, and many councils are unlikely to have the resources necessary to undertake additional enforcement functions.

Before proceeding with any transfer of responsibilities, DETSI should:

- Release de-identified complaint and enforcement data by local government area – this is essential for local governments to appreciate what will be involved;
- Demonstrate the scale of the issue currently managed by the State – as this has not been clearly articulated in the Consultation Paper;
- Undertake consultation with local government stakeholders as to how these responsibilities can be transferred, noting that a model local law may be required for adoption, and
- Identify appropriate ongoing funding arrangements to ensure local governments can absorb this resourcing burden. For example, will there be variations to grant agreements for funded litter and illegal dumping compliance officers currently in place that are only part time which may require an additional uplift in hours per week to cover this extra workload, or allowance for Councils that did not apply under the Fighting Illegal Dumping Partnership program to apply for a resource to manage this?

Without this information, the proposal risks being perceived as cost-shifting rather than regulatory reform.

iii. Introduction of a Soil Management Licence (SML) framework

WMRR in principle supports replacing the existing transitional soil disposal permit framework with a legislatively established Soil Management Licence, allowing the reuse of contaminated soil between Environmental Management Register (EMR) and Contaminated Land Register (CLR) listed sites under prescribed conditions and retaining waste tracking requirements for interstate waste movements. These measures provide greater regulatory clarity while creating opportunities for beneficial reuse of contaminated soils that would otherwise require disposal, and WMRR understands that these provisions are designed to support infrastructure growth, particularly for Southeast Queensland road projects and Olympics preparation.

However, a significant practical issue exists for regional councils and smaller waste facilities that periodically generate or receive small quantities of contaminated soil such as minor hydrocarbon contamination arising from spills at waste facilities, soil generated from roadside oil or fuel spill clean-up activities and small-scale contamination incidents that do not warrant engagement of specialist remediation contractors. These facilities usually operate under an Environmental Authority (EA) that permits only ERA 60 (Waste Disposal). These facilities are often not authorised to accept or treat contaminated soil and do not hold approvals for Mechanical Waste Processing (ERA 54). Under the proposed framework, these councils may still be required to transport relatively small quantities of contaminated soil significant distances to appropriately licensed facilities, creating disproportionate costs and logistical challenges. The amendments should consider practical mechanisms that allow low-risk, small-volume contaminated soils to be managed locally under appropriate controls, particularly where contamination is limited to hydrocarbons and can be effectively remediated through simple aeration or natural attenuation processes such as allowing limited remediation activities at ERA 60 facilities (without triggering ERA 54 requirements). For operational landfills operating under an Operational Strategy and Operational Plan (OSOP), contaminated soil originating from EMR listed sites may be suitable for use as daily or intermediate cover material or other construction or engineered landfill applications.

As such, WMRR recommends that DETSI provide clear guidance and, where necessary, legislative amendments to confirm that when contaminated soil used for operational landfill purposes is considered a beneficial resource rather than a waste requiring disposal.

WMRR emphasises that detailed statutory guidance must be developed alongside any legislative amendments and released for stakeholder review to ensure the revised framework delivers greater clarity and certainty without creating new regulatory complexity. Whilst WMRR supports the removal of unnecessary regulatory barriers, increasing resource recovery rates will require broader system-wide reform. The ability to classify materials as non-waste is only one aspect of a successful circular economy - other critical factors include waste levy settings, regulated waste classifications, market development, landfill bans, procurement policies, infrastructure investment, and long-term investor certainty. These reforms should therefore be considered as part of a comprehensive resource recovery strategy – and ideally reflected in the upcoming Waste Strategy - rather than a standalone solution.

WMRR trusts these comments will be considered as part of the consultation process and welcomes further engagement with DETSI as the reforms progress.

Yours sincerely



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