



Health, Environment and Agriculture Committee
Parliament House
Cnr George and Alice Streets Brisbane Qld 4000

Email: HEAC@parliament.qld.gov.au

4 March 2024

Dear Committee

**Re: *Environmental Protection (Powers and Penalties) and
Other Legislation Amendment Bill 2024***

Thank you for the opportunity to provide feedback on the *Environmental Protection (Powers and Penalties) and Other Legislation Amendment Bill 2024*. 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.

WMRR recognises that several of the changes may be in response to historical issues that government considers should be addressed, however industry has identified three (3) of the new items that may have a broader impact on industry, and should be considered further.

General Environmental Duty (GED) having an offence provision added

While WMRR supports the GED offence, in our opinion, this must be supported with publicly available threshold guidance for demonstrating non-compliance to remove subjective decision making and provide industry with certainty.

Duty to restore the environment

Under current legislation a person can be made to 'clean up' something causing environmental harm, it is unclear how this new provision will be enacted, and the extent and impact of the request.

Duty to notify

The duty to notify has already been amended several times in the last five (5) years. Every iteration has tried to tighten obligations. WMRR recognises that this measure is to remove pleading ignorance as a defence however as with the GED offence, there is concern in the absence of public compliance guidance, how this provision would be utilised.

While this submission is addressed to the Committee, WMRR would highlight that there has not been sufficient industry consultation prior to this Bill being tabled to address these concerns, as such WMRR submits that it would be beneficial to understand what impacts these changes will have, and consider what if any unintended consequences may arise, before the Bill is finalised.

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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