



Ms. Patricia O'Callaghan
Director General
Department of the Environment, Tourism Science and Innovation
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By Email: EPAct.Policy@detsi.qld.gov.au

14 July 2025

Dear Ms O'Callaghan,

Re: Realising efficiencies and streamlining in the *Environmental Protection Act 1994* and other portfolio amendments

Thank you for the opportunity to provide feedback to the Department of the Environment, Tourism, Science and Innovation ("the Department") on proposed amendments to the *Environmental Protection Act 1994*, the *Nature Conservation Act 1992* and chapter 3 of the *Water Act 2000* as posed in the consultation paper "*Realising efficiencies and streamlining in the Environmental Protection Act 1994 and other portfolio amendments*" ("consultation paper"). The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia's \$21 billion waste and resource recovery (WARR) industry. With more than 2,300 members from approximately 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.

The WARR sector is significant and essential to both the Queensland and national economies, currently employing more than 11,800 people in Queensland and contributing \$1.5 billion to the state economy, creating local green jobs, generating investment, and mitigating carbon. In Queensland, WMRR represents over 380 individual members from than 50 entities from across the entire value chain. According to the most recent data available, Queensland in 2022/23 generated almost 10 million tonnes of waste in 2023/24, with 4.2 million tonnes still being sent to landfill, which means that a further two (2) million tonnes will need to be diverted from landfill and resource recovered over the next five (5) years to meet the 80% resource recovery target by 2030. This will require significant investment and regulatory certainty in order for this to occur.

WMRR understands that the Department has recently undertaken a targeted review of the *Environmental Protection Act 1994* (EP Act) and is seeking feedback on proposed amendments to the regulatory framework. The proposed amendment is designed to increase efficiency, ensure the EP Act remains fit for purpose, and respond to emerging issues and challenges. Minor amendments to the *Nature Conservation Act 1992* (NC Act) and chapter 3 of the *Water Act 2000* are also proposed. In principle, the proposed amendments align with WMRR's advocacy for evidence based, proportionate risk-based regulation.

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The proposed amendments also address some of the key priorities articulated by WMRR members surrounding the uncertainty and inconsistency of the current approach to WARR policy and regulation. WMRR members have expressed growing concern about the inconsistent use of discretion utilised by compliance officers with delegated authority when regulating. WMRR welcomes this review of the EP Act and the proposed amendments to streamline and codify regulatory obligations, and trust that there will be supporting guidelines and education to underpin implementation.

WMRR notes that the Department does not have a Board (unlike other state EPAs) which provides continual oversight over its regulatory arms, nor is there a compliance strategy that places a level of clear accountability on officers for their decisions. WMRR has concerns that the existing regulatory strategy is too high level to provide accountability in this regard, and WARR operators generally feel it is difficult to challenge a compliance notice or regulatory action. Similarly, WMRR holds concerns that the policy approach articulated by the draft Waste Strategy “Less Landfill, More Recycling” is at odds with the regulatory approach which has often undermined the development of recovered material markets by imposing disproportionate regulatory obligations and burdens on low-risk activities associated with “waste”. This need for low-risk activities to be streamlined and proportionately regulated has been identified by WMRR in recent months with WMRR working closely with the Department on the development of an acceptable range of PFAS in land applied products – noting that the current ERA 53 requirements have stifled the development of end-marketable compost products. Although outside the direct scope of the current consultation, WMRR strongly encourages the Department to prioritise the implementation of recommendations from the review of the End of Waste (EOW) framework and urgently implement End of Waste Codes as part of its broader efforts to streamline processes and improve resource recovery and products made from recycled materials to achieve targets.

On this note, WMRR generally supports the proposed amendments in principle, and concurs with the *Technical Report: Environmental Risk of Resources Activities* provided with the consultation paper which states that “...Environmental regulation is most effective when underpinned by a comprehensive evidence based understanding of the environmental risks of carrying out activities, to establish a direct linkage between the level of risk and proportionate response”. WMRR agrees with a risk based and outcome focused approach to regulation, effective in protecting the environment and human health, cost efficient to both industry and government and streamlined to minimise unnecessary administrative and regulatory burden. In particular:

- The proposed streamlining and efficiency improvements proposed in Part 1 of the consultation paper are welcomed by the WARR industry. Developing new mandatory codes to replace EAs for low-risk activities, providing a consistent environmental risk basis for prescribing ERAs, articulating the state’s priorities for environmental protection, codifying best practice environmental management (BPEM) and making amendments to provide consistency in administrative conditions for EAs should address some of these key industry concerns about the current inconsistent approaches experienced by operators. Uniform requirements, consistently applied will also increase transparency.

Given the highly technical nature of WARR activities—such as resource processing, landfilling, recycling, and organics management—it is advisable that resourcing the Department be

planned in a way that ensures the inclusion of appropriate technical expertise relevant to the WARR industry, so that meaningful consultation can be had with industry and stakeholders when developing these regulatory improvements.

- WMRR also notes the proposed amendment at 3.4 to increase the time to gather evidence for summary proceedings under the EP Act and recognises that it achieves closer alignment to similar provisions in other states.

WMRR has provided specific comments against the relevant proposed amendments at [Annexure A](#). WMRR welcomes participation in further engagement as a key stakeholder to inform drafting of a Bill that responds to the identified issues and opportunities raised, and which ensures that - as noted throughout the consultation paper – a reasonable period will be provided to EA holders to adjust to the new requirements becoming enforceable.

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 responses to the proposed amendments discussed in the consultation paper:

Section in consultation paper	Description	WMRR Comment
1.1	Proposal to establish mandatory codes of practice to replace the need for an environmental authority for low-risk ERAs	WMRR understands that mandatory codes for low-risk activities should enable faster pathways for low-risk activities and remove the need for financial provisioning /assurances for some activities. This should assist in reduced upfront and ongoing costs which may encourage smaller operators (such as local government) to innovate. The setting of enforceable conditions to maintain environmental performance standards should provide regulatory certainty and consistency for these low-risk activities. WMRR notes that whilst “registration costs” may be required, mandatory codes are not proposed to ‘result in additional fees for carrying out the ERA than is currently in use’. Such outcomes are supportive of WMRR’s priority for low-risk WARR activities to be proportionately regulated and streamlined where possible.
1.2	Amend the EP Act to take a more consistent approach to defining and regulating all ERAs based on the harm they pose -	WMRR understands that this amendment would limit prescribing an activity as an ERA to activities that may result in harm to a State Environmental Protection Priority (SEPPs) as per Section 1.5, or the release of contaminants. Subsequent reviews of ERAs will assess whether the extent of regulatory oversight remains appropriate. As part of the review process, the development of mandatory codes for an ERA will require public consultation similar to the making on an EPA Standard under the EP Act. WMRR supports this amendment as it provides a consistent environmental risk basis for regulating activities and understands that the review process will enable those activities shown to be low risk to move to mandatory codes. WMRR understands that some activities – such as the releasing of harmful contaminants - may result in subsequent reviews of ERAs to assess whether the regulatory oversight for a particular ERA remains appropriate. For this reason, it is imperative that the Department maintains ongoing dialogue with the WARR industry, and alignment with other states where possible, on acceptable levels of contaminants.

Section in consultation paper	Description	WMRR Comment
1.3	The creation of a new subset of environmental values in the EP Act called “State Environmental Protection Priorities” (SEPPs) to which administration of the EP Act will have regard and will also be “environmental values”	WMRR understands that the introduction of SEPPs is intended to provide more certainty around the existing EIS refusal provisions and provide clarity on matters of highest concern for the assessment and conditions of projects. Ensuring that the SEPPs are clearly defined in the EP Act should ensure that applications and assessment processes are focused on these key environmental concerns at the outset. As noted above, the SEPPs will also be used as a test for the prescribing of ERAs over mandatory codes. Examples of SEPPs are given such as marine parks, fish habitat areas, and protected areas under the NC Act. In this regard, enabling SEPPs to be used to inform the risk-based approach to defining ERAs and determining levels of regulatory oversight seems to be proportionate.
1.4	Proposed mechanism to make “best practice environmental management” (BPEM) codes for specific activities to inform conditions	WMRR supports giving industry certainty over the required operational conditions (and certainty of costs) and minimising opportunities for inconsistent application of ‘regulatory obligations’. For the WARR industry, it is understood that this amendment relates to specific activities such as chemical storage, dust management, or for managing specific types of waste where the impacts and management measures are well known and would pose a high risk to the environment if not managed appropriately. In principle, codifying best practice environmental management with set requirements should reduce confusion about what “best practice” actually means and promote consistency of expected standards for both industry and regulators. It is understood that what constitutes BPEM would be <i>“determined with industry and other stakeholders, and subjected to the scrutiny of parliamentary processes...”</i> WMRR acknowledges that determining the content for inclusion as BPEM may demand significant departmental resources. Given the highly technical nature of WARR activities—such as resource processing, landfilling, recycling, and organics management—it is advisable that resourcing be planned in a way that ensures the inclusion of appropriate technical expertise relevant to the WARR industry.

Section in consultation paper	Description	WMRR Comment
1.5	The creation of sets of “general administrative conditions” to be applied to EAs (mandatory for standard, variation and site-specific applications) that cannot be negotiated or changed.	WMRR notes this amendment seeks to provide certainty to applications by applying consistent sets of general administrative conditions across all EAs and types of EAs. These conditions will be in the EA to ensure a single point of truth and applicants will not be able to have these changed or negotiated. This proposal seeks to refer to conditions about record keeping, complaints procedures, monitoring standards and reporting etc. It is crucial that these conditions streamline – rather than duplicate - administrative requirements. WMRR stresses that these administrative conditions (which will sit in regulation), must not burden WARR operators with additional or duplicate reporting requirements, noting that WARR operators already have reporting requirements under the Queensland Waste Data System (QWDS).
Part 2	Other Proposals relation to Progressive Rehabilitation and Closure Plans	WMRR understands these provisions relate to EAs for site-specific mining activities and has no comments.
3.1	Clarify the inclusion of groundwater in the definition of water in the EP Act	WMRR concurs that this should be clarified.
3.2 and 3.3	Amending the EP Act to allow a Court to order forfeiture of property used in the ongoing conduct of an offence under the EP Act and to allow a Court to make orders confiscating proceeds from environmental crimes under the EP Act	WMRR notes that this amendment clarifies that a court can order the forfeiture of property upon conviction – and may apply to equipment being used to undertake unlicensed activities, or trucks being used to unlawfully move regulated waste.
3.4	Changing the timeframe to start a proceeding for a summary offence to within five years of the commission of the offence or two years after the offence comes to the complainant’s knowledge but within five years of the commission of the offence	WMRR notes this amendment and appreciates that this change aligns more closely to the timeframes in other states.

Section in consultation paper	Description	WMRR Comment
3.5	Clarify when the residual risk requirement lapses	WMRR supports amendments that provide clarity and certainty.
3.6	Amending the EP Act to ensure that the information stage is not shortened when an amendment application is received.	WMRR appreciates that the information request stage for an EA amendment application can currently be reduced if a notice of change is received early in the information request stage – which was an unintended outcome of the current drafting. The proposal to stop the assessment process when the administering authority receives notice of the change, and start it again is reasonable.
3.7	Provide greater clarity and consistency on the requirement for third-party accreditation programs under the EP Act	No comments from WMRR, noting this relates to Reef Protection measures under Chapter 4A of the EP Act.
3.8	Removing the need to undertake public notification of the draft Terms of Reference for an EIS process under the EP Act	WMRR appreciates this change is largely in response to the public responding to the EIS Terms of Reference rather than the EIS itself and supports this amendment.
3.9	Provide consistency in authorised officer functions and powers under the NC Act where these intersect with the Planning Act	No comments from WMRR. This relates to amending the NC Act to include an additional function of a conservation officer to investigate, monitor and enforce compliance with the Planning Act, so far as it relates to assessable and prohibited development that relates to an NC Act Matter.
3.10	Clarify the dictionary definition of protected rea under the NC Act	No comments from WMRR.
3.11	Clarify chapter 3 of the Water Act	No comments from WMRR at this stage, noting that chapter 3 relates to the management of impact on underground water by resource tenure holders (mineral development licences, mining leases and petroleum).