IMPLEMENTING THE CONTAINER REFUND SCHEME IN QUEENSLAND

Results of consultation

Consultation on the *Implementing the Queensland Container Refund Scheme in Queensland* discussion paper ran for four weeks from 17 February 2017 to 20 March 2017.

The discussion paper sought feedback on the implementation of a state-wide Container Refund Scheme (CRS) particularly around the structure and operating arrangements of the Scheme.

The discussion paper asked 13 questions structured around five different themes:

Refund Payments
1. Please provide your views on the various refund options (i.e. cash, voucher, direct bank credit, etc.) that may be available to a person returning containers to a container refund point.

Refund Marking
2. Do you think a logo or picture to represent the refund marking is easier to understand than the text, similar to that used in South Australia and Northern Territory?
3. Do you agree with broadening the eligibility to receive a refund to 'participating jurisdictions' rather than only in the 'state of purchase'?
4. Do you support providing flexibility in the Scheme to allow for the use of more than one way to identify an eligible container (i.e. barcode technology, container shape, manual identification)?

Accessibility and Infrastructure
5. What is the best way to provide fair and reasonable access to a container refund point?
6. What options might be available to the retail sector to participate in the Scheme?
7. How far would you be willing to travel and where would be a convenient location (i.e. public places and buildings, supermarkets, transfer stations, material recovery facilities) to redeem your containers?
8. How can convenience for redemption of containers and equitable access to all in the community be enhanced (i.e. co-locating container refund points with other collections such as e-waste, establishing new infrastructure)?
9. Do you think that the provision of a specific number of refund points to a certain area should be legislated?

Scheme Administration
10. Do you think it is appropriate for the Queensland Government to be responsible for setting the handling fee and deciding how this is allocated among Scheme participants?
11. Do you think the Queensland Scheme should have a single Scheme coordinator or multiple Scheme Coordinators?

Implementation and Review
12. What do you think might be a reasonable period for the Scheme, from time of introduction, to achieve a targeted level of access?
13. How long do you think the Scheme should operate before being reviewed?

Number of submissions

Just over 2,600 submissions were received, of which 34 were from companies or organisations, and the remainder from individuals (Table 1).

Except for one submission received through the Get Involved Website, all submissions were received by email.

Source	Number
Individuals	2,600
Organisations	34
Total	2,634

Table 1: Summary of submissions received

Submissions from individuals

Petition from Australian Marine Conservation Society submitted by individuals amounted to 1,724 submissions. 858 submissions were received from members of the Boomerang Alliance. Responses from both these campaigns were consistent and expressed the following:

All individual responses (except one) are in favour of a Container Refund Scheme.

Common comments provided include:

- 10c refund should provide the right incentive.
- Wine bottles should be included in the scheme.
- Reasonable access to convenient locations to redeem refunds is essential.
- Councils and community organisations must have fair access to container refunds and/or handling fees from containers they have collected.
- Barcode marking on eligible containers should be mandatory to prevent fraud and monitor the scheme's progress.
- Remote and community run collectors should have access to regional redemption points.
- A scheme coordinator should comprise of a number of stakeholders. The scheme coordinator should be an independent, not-for-profit organisation.
- The scheme coordinator should report on the scheme every four years.
- The scheme should be self-financing with the beverage industry covering the costs of the scheme
- All containers collected must be recycled
- Targets should be enforced and consistent with international standards.
- Severe penalties should apply for breaching scheme conditions and contracts.

Submissions from organisations

A total of 34 submissions were received from organisations (Table 2). A list of organisations is provided at Appendix 1.

Sector	Number
Waste industry	5
Local government	9
Environment	7
Beverage and retail industry	7
Other	6
Total	34

Table 2: Submissions received from organisations

Beverage and Retail sector

Seven submissions were provided by the beverage and retail sector.

The main aspects identified were:

- The refund marking must be generic and consistent across all schemes and need not be text or be part of the label. Instead the refund mark could be incorporated into the container and be located on a part of the container that is least likely to be damaged.
- Flexibility in the scheme operation will ensure that costs are minimised
- Refund points need to be located in reasonable proximity to consumers and returning eligible containers needs to be convenient.

- Harmonisation between the Queensland and NSW schemes will reduce costs and logistical imposts on beverage manufacturers such as the labelling, container approval, refund mark and refund amounts.
- Government should set the handling fee in consultation with the Product Responsibility Organisation.
- The beverage industry sees no disadvantage in having a single coordinator for the scheme. The benefits of this approach include a potential reduction in scheme establishment, management and operating costs.
- The beverage industry believes that it is best placed to operate and administer the scheme.
- The scheme should be reviewed within two years of operation with a further review of the functionality and success of collection points after five years of operation.
- Legislation is critical for the good governance of the scheme and in ensuring that the operations of the scheme are transparent and subject to proper audit and review.
- Appropriate penalties and sanctions are critical to deter fraud.
- Consideration should be given to potential adverse effects on the operation of existing kerbside systems.
- The retail sector supports non-mandatory participation in providing container take-back or collection points.

Local government

Eight individual councils and one representative organisation provided submissions.

The main aspects identified include:

- The potential impact on kerbside services due to some loss of material as a result of the scheme.
- Councils with kerbside stated that the introduction of the scheme should have no negative financial impact on existing kerbside recycling services.
- A mix of standalone and mobile refund points is appropriate.
- Local government sees a role and a benefit for local government participation in regional and remote areas.
- The scheme needs to cognisant of vast distances in Queensland and that access points will need to be convenient for people.
- A review of the scheme should occur within six months and then every two years.

Environment organisations

Seven submissions were received from environment organisations. Environment organisations are supportive of the scheme.

The main aspects identified were:

- The scheme must be convenient for consumers
- The scheme must be transparent and have an efficient system of cash flow and refund return
- Must be complementary to kerbside services where present
- Clear targets and penalties must be established
- Coordination should be through a not-for-profit entity to ensure accountability of the whole system
- There must be accessibility across the state.

Waste industry

Five submissions were received from the waste industry.

The main aspects identified were:

- The scheme should be consistent with New South Wales
- The scheme should allow for more than one way to identify eligible containers. Logos were preferable to text.
- There should be a single scheme coordinator
- Preference was given to a cashless refund system to reduce possible fraud
- Consumer convenience for return and refund is critical to the success of the scheme
- Consumer behaviour change is likely to take longer in QLD compared to SA where a culture and habit for refillable containers already existed prior to the introduction of the CRS.
- Preference for Queensland Government to legislate retailer participation
- A review of the scheme should occur after five years

Other organisations

Submissions were received from the scouting and guiding movement as well as charities and not for profits. Whist all the submissions from these organisations supported a container refund scheme, concern was raised about the extent to which charities and not-for-profits would actually benefit.

Common issues identified were:

- Organisations suggested a scheme that would allow charities and not for profits to accept containers and collect refunds and/ or handling fees
- Legislation to ensure community organisations and charities benefit from the scheme and are not sidelined by large corporate entities
- 10c refund should provide the right incentive
- Beverage manufacturers should wear the cost
- Legislate the number of collection sites

Appendix 1 - Organisations that made submissions

Local government

Local Government Association of Queensland
Mareeba Shire Council
Logan City Council
Moreton Bay Regional Council
Douglas Shire Council
Cairns Regional Council
McKinleyShire Council
Mackay Regional Council
Cloncurry Shire Council

Retail and Beverage Industry

Austalasian Association of Convenience Stores
Australian Beverage Council Queensland
Craft Beer Industry Association
Container Deposit System Operators
Diageo Australia
Exchange for Change
Shopping Centre Council of Australia
Winemaker's Federation
Woolworths

Other Organisations

Guides Queensland
Scouts Queensland
Lutheran Youth of Queensland
Queensland Outdoor Recreation Federation
St Vincent de Paul

Waste Industry

Australia and New Zealand Recycling Platform Limited
Cleanaway Recycling
Closed Loop
Container Deposit Systems Australia
Ecobox Solutions
Impact Recycling
Tomra Collection Solutions

Environment

Sunshine Coast Environment Council
Australian Marine Conservation Society
Boomerang Alliance
Tangaroa Blue Foundation
Greenpeace
Positive Change for Marine Life
Wide Bay Burnett Environment Council

Attachment 2

Summary of stakeholder comments – Waste Reduction and Recycling Amendment Bill 2017

Background

The following information summarises the feedback received from the Implementation Advisory Group, along with the department's response to the feedback.

Issue No	Issue description	Response/Comments
1.	Amendment to definition of small beverage manufacturer	The previous definition of ***small beverage manufacturer*** (s99H) was based on the volume of beverage products in registered containers. The volume was to be prescribed in regulation. The definition of ***small beverage manufacturer*** has been simplified for the introduced Bill (s99R). The definition refers to a manufacturer of a beverage product who is prescribed by regulation to be a small beverage manufacturer. This provides greater flexibility in defining a small beverage manufacturer by allowing for measures other than volume to be used. This also links to the limits on the amounts that are paid by small beverage manufacturers under the scheme. The amount to be paid by a small beverage manufacturer will be set in regulation. **ACTION**: It is anticipated that a working group will be established to provide specific advice for the regulation in relation to small beverage manufacturer issues.
2.	Amendment to definition of manufacturer	The previous definition of ***manufacturer*** (s99L) defined a manufacturer as a person who makes the beverage product, including by filling containers with a beverage or importing the product from a foreign country. The definition contained in the Bill (s99O) includes reference to the ***manufacturer*** making the beverage product by either filling containers with a beverage or engaging another person under a contract to make the beverage product or fill containers for that person. This covers contract bottlers who don't supply direct to market but undertake a manufacturing process.
3.	Restriction on manufacturer selling beverage product	The comment was made regarding the requirements in this section (s99M) in relation to the criteria that the container display the refund marking and a product bar code. Feedback was provided regarding the need for a 24 month moratorium from these requirements to be provided to manufacturers by government to allow manufacturers to make the necessary adjustments and take actions such as using existing container and label stock and redesigning containers and labels to accommodate the new refund marking. Section 308 of the Bill provides a transition period for displaying the refund marking on beverage containers. This transition period states that a manufacturer does not a commit

		an offence against s99P(2) if the refund marking is not on the containers during this period. The ***manufacturer transition day*** will be prescribed in regulation as the day at least one year after the day prescribed in regulation the requirements for the refund marking. The intent is provide a two-year period transition period to be consistent with NSW.
4.	Container recovery agreement	Concern was raised around the requirement stating that the Organisation must not enter into a container recovery agreement unless the Organisation is satisfied ongoing, effective and appropriate recycling arrangements are available. This comment particularly pertains to glass recycling issues in Australia. It is recognised that glass recycling is an issue. A number of potentially acceptable glass recycling and use practices have been identified, including use in road base and asphalt right up to bottle-to-bottle processing. Extraordinary circumstances exemption provisions in the Bill provide for a container refund point or material recovery facility operator to apply for an exemption from the requirements to recycle the container or not allow the container to be sent to landfill. This exemption must be applied for and approved by the chief executive. **ACTION**: The department will continue to work on market development opportunities for glass, including investigating government procurement arrangements.
5.	Ways refund amount may paid	Comment was made that consideration be given to a cap or upper limit on the provision of cash or voucher refund, defining a maximum amount that can be given in any one transaction – or a series of accumulated transactions. Consideration should be given in the Bill or regulation. The Bill (s99V) currently allows the container refund point operator to pay the refund amount in different ways. Section 99S allows the container refund operator to establish that a refund amount does not have to be paid if the person refuses to accept the refund in the way the container refund point operator pays the refund (and this is clearly stated on signage at the site). Section 99T allows the container refund point operator to request a refund declaration and proof of identity from a person returning empty containers for a refund. This may be requested when a person brings bulk quantities (to be prescribed in regulation) of containers to the operator. The operator may also request a refund declaration at any other time. The operator also has discretion to enter into a bulk claim arrangement to account for regular customers with bulk quantities – such as a community group or person collecting from commercial premises. These provisions will minimise the risk of containers that have been collected in a non-scheme state being brought into Queensland in large number to claim the refund. Section 308 also provides a transitional arrangement whereby the container refund point operator may only accept containers that do not display the refund marking for a further six months after the refund marking must be displayed on the container.

		ACTION: It is anticipated that a working group will be established to provide specific advice for the regulation in relation to cash/non-cash issues.
6.	Suggest need a definition of 'recycling facility'	The definition of ***recycling facility*** is contained in the *Waste Reduction and Recycling Act 2011*. The Amendment Bill also provides a specific definition for a material recovery facility **s99ZE Meaning of material recovery facility** (1) A material recovery facility is a facility or other place— (a) at which recyclable waste is sorted and prepared for recycling, whether or not the waste is also recycled at the facility or place or (b) of another type prescribed by regulation as a material recovery facility; (2) However, a material recovery facility does not include a facility or other place prescribed by regulation to not be a material recovery facility.
7.	Possible stockpiling of container for which a refund has been paid	Specific provisions in the Bill ensure that a refund or recovery amount claim cannot be made if the containers have not been recycled. Section 99ZD also specifically prohibits a container refund point operator from allowing containers on which a refund has been paid to be disposed of to landfill. However, several sections in relation to refund payments specifically allow for an extraordinary circumstances exemption to be in effect for specific container types. This allows for a container refund point or material recovery facility operator to apply for an exemption from the requirements to recycle the container or not allow the container to be sent to landfill. This exemption must be applied for and approved by the chief executive. It is possible that the exemption could cover potential stockpiling issues, with conditions placed on the exemption in respect of a timeframe for allowing the stockpiling of material without it being recycled. *Note: criteria for considering, conditioning and deciding the exemption need to be worked through in detail.*
8.	Need to ensure there are container recovery targets	Provisions inserted into the Bill: • 102D Minister may invite application for appointment This section allows the Minister to include in the invitation of appointment specific outcomes that are to be met by the Organisation, including outcomes that relate to the Organisation's functions and relating to the administration of the scheme (such as opportunities for social enterprise, innovation and the development of technology). • 102ZF Regulation may prescribe outcomes to be achieved A regulation may prescribe outcomes that the Organisation must achieve, including container recovery and recycling targets and container refund point accessibility targets. • 102ZM Requirement to implement plans in application

		This section requires the Organisation to implement plans for certain matters as stated in their application – including achieving any outcomes stated in the Minister's invitation
9.	Dispute resolution	Dispute resolutions requirements are inserted in the following provisions: • 99ZA Container collection agreement • 99ZF Material recovery agreement • 102F Requirements for application Dispute resolution provisions are required in: • container recovery agreements (99Q) between the beverage manufacturer and the Organisation to demonstrate how disputes between the Organisation and the beverage manufacturer will be settled • the container collection agreement (s99ZA) between the container refund point operator and the Organisation to demonstrate the process for settling disputes between the Organisation and the container refund point operator • material recovery agreement (99ZF) between the material recovery facility operator and the Organisation to demonstrate the process for settling disputes between the Organisation and the MRF operator • the application from the eligible company in response to the Minister's invitation to form a PRO.
10.	Composition and remuneration of board and staff of PRO	New provision inserted: • 102B(1)(c)(iv)(C) Meaning of eligible company This section obliges the Organisation to maintain a Constitution that at all times contains particular matters, including a Board of nine directors, the representative nature of the Board, appointment and removal of Board directors, remuneration or the Chair and directors. Eligibility criteria for Board members will be established in regulation. This may include requirements to have waste and resource recovery, local government and company operation knowledge and experience. This prevents the Organisation from changing essential elements of the Constitution and operation of the Organisation after appointment as the PRO. **ACTION**: It is anticipated that a working group will be established to provide specific advice for the regulation in relation to the Board nomination criteria. For example, to look at the attributes that a person may need to be suitable for nomination and appointment to the Board, or as the independent chair.

IMPLEMENTING A LIGHTWEIGHT PLASTIC SHOPPING BAG BAN IN QUEENSLAND

Results of consultation

Consultation on the *Implementing a lightweight plastic shopping bag ban in Queensland* discussion paper ran for three months from 25 November 2016 to 27 February 2017.

Released following the government's decision to introduce a lightweight plastic shopping bag ban, the discussion paper sought feedback on various aspects of the ban, including the commencement date and the inclusion of biodegradable shopping bags. The paper also sought feedback on working with other jurisdictions to develop options for voluntary action to reduce the use of heavier-weight department store-style plastic bags.

The discussion paper asked four questions:

1. Do you think that 1 July 2018 allows enough time for consumers and retailers to transition to plastic bag alternatives? Why/why not?
2. Do you agree that biodegradable bags should be included in a ban? Why/why not?
3. Do you support the Queensland Government working with other states and territories to encourage industry to reduce the number of heavier-weight plastic department store bags? Why/why not?
4. What else can be done by the Queensland Government to address plastic pollution?

Number of submissions

Just over 26,000 submissions were received. Thirty submissions were received from local governments, companies and organisations, with the remainder from individuals (Table 1).

20,930 submissions were received through the Queensland Government Get Involved website, with the remainder received by email or letter.

Source	Number
Individuals	26,124
Organisations	30
Total	**26,154**

Table 1: Summary of submissions received

Submissions from individuals

The responses from individuals to questions 1, 2 and 3 are summarised in Table 2 (note that not all submissions addressed all questions in the discussion paper).

Question	Yes	No	Unsure
Question 1–Do you think that 1 July 2018 allows enough time for consumers and retailers to transition to plastic bag alternatives?	25,106 (96.3%)	682 (2.6%)	272 (1%)
Question 2–Do you agree that biodegradable bags should be included in a ban?	16,390 (63.1%)	5008 (19.3%)	4575 (17.6%)
Question 3–Do you support the Queensland Government working with other states and territories to encourage industry to reduce the number of heavier-weight plastic department store bags?	24,936 (96.1%)	631 (2.4%)	377 (1.5%)

Table 2: Summary of responses from individuals

In response to ***Question 1***, 96.3% of individuals agreed that 1 July 2018 allows enough time for consumers and retailers to transition to plastic bag alternatives. A large percentage of respondents also used this question to express support for the introduction of a ban not just to support the commencement date.

Common comments provided include:

- A ban is necessary to reduce plastic litter and protect the environment and wildlife.
- There is plenty of time to transition.
- Bans are successful in other states and nations.
- Many consumers are already using reusable bags and refusing to use plastic bags.
- Frustration that a ban has not been introduced sooner.
- Many other measures should also be taken to reduce plastic litter.

3.6% of individuals did not agree or were unsure. Common comments provided include:

- Plastic shopping bags are not 'single use' as they are often re-used as rubbish bags or bin liners.
- There will be extra expense to purchase reusable shopping bags or bin liners.
- Reusable bags are considered to be unhygienic.
- Banning plastic bags is too drastic and a small fee should be charged instead.
- Bans have not worked effectively in other states.
- People should not be littering.
- The government should not interfere.

In response to ***Question 2***, 63.1% of individuals agreed that biodegradable bags should be included in a ban, while 37% disagreed or were unsure.

Common comments provided for supporting the inclusion of biodegradable bags in the ban include:

- As it takes extensive time for the bags to break down in nature, they can still be consumed by wildlife.
- Due to the consumer's belief that the biodegradable bags decompose harmlessly in nature, large amounts of these types of bags may still be littered.
- People cannot tell the difference between biodegradable bags and traditional bags.
- Eventually the bags will end up in waterways.
- All disposable plastic items are bad.

Common comments provided for not supporting, or being unsure about, the inclusion of biodegradable bags in the ban include:

- Biodegradable bags are better for the environment so are a smarter alternative.
- There is no need to ban them as they will easily breakdown when in contact with nature.
- There will be a public backlash if all plastic bags are banned.
- There still needs to be an alternative if you accidentally leave your reusable bag at home.
- The biodegradable bags would be reused, for example as bin liners or for cat/dog waste.

In response to ***Question 3***, 96.1% of individuals support the government working with other states and territories to encourage industry to reduce the number of heavier-weight plastic department store bags, while 3.9% disagreed or were unsure. The reasons given were similar to those for question 1.

In response to ***Question 4***, over 11,000 individuals also provided ideas for other actions that could be undertaken to reduce plastic pollution generally.

Submissions from organisations

A total of 30 submissions were received from organisations (Table 3). A list of organisations is provided at Appendix 1.

Sector	Number
Retail sector	5
Local government	7
Environment	13
Waste industry	1
Other	4
Total	30

Table 3: Submissions received from organisations

Retail sector

Five submissions were provided by the retail sector.

One submission expressed reservations over the timing and other implementation issues.

The main positive aspects identified were:

- Increase in bin liner sales;
- Increase in reusable bag sales;
- Savings in not supplying plastic bag to consumer; and
- Better environmental outcomes.

The comments provided were:

- Government needs to work with retailers to implement the ban, to minimise impacts to staff and customers;
- Ban must not inconvenience customers;
- Potential decreased customer satisfaction due to longer checkout wait times;
- Cost to consumer if reusable bags are expensive (if consumers keep forgetting to bring them in);
- Cost to productivity at checkout – for example claims that a ban adds 1.5hrs work for every 1000 customers;
- Checkout refurbishments costs;
- Health and safety (reusable bags have bigger volume and are therefore heavier);
- Needs to be nationally consistent to reduce complexity;
- Need reasonable transition period (18 months) due to contracts retailers have with bag suppliers and stockpiles which need to be depleted; also, reusable bags need to be sourced and more produced; and
- Government should be responsible for community awareness, and highlight that the ban is a government decision not the choice of retailers.

One of the retail sector submissions said that 1 July 2018 is not sufficient time for the transition, especially with the upcoming Commonwealth Games in April.

One of the retail sector submissions believed banning biodegradable bags is unnecessary as they can be beneficial.

Local government

Six individual councils and one representative organisation provided submissions.

All the local government submissions were supportive of the ban. The main reasons given were that the ban would help to:

- reduce windblown litter at landfill
- reduce plastic bag contamination in recycling

- reduce cost of litter control
- reduce stormwater network blockages.

Local governments believed that a start date of 1 July 2018 for the ban does allow sufficient time, but stressed that education and communication campaigns are critical for implementation of the transition.

All except one council agreed that biodegradable bags should be included in the ban. This is because biodegradable bags:

- Still cause litter
- Contaminate plastic intended for recycling
- Contribute to severity of flooding (by blocking the stormwater network)
- Encourage disposable or 'convenience' thinking and behaviour.

One council recommended that the quality of biodegradable bags should be standardised, instead of banning them.

Local governments all agreed that voluntary measures should be taken to reduce the number of heavier-weight department store bags should be included in voluntary meas. The need for a coordinated approach with other states was noted.

Environment organisations

Thirteen submissions were received from environment organisations.

All of these submissions strongly supported the ban on lightweight plastic shopping bags and believed there was enough time for the transition. At the same time, education program for retailers and consumers would be required.

Submissions from this sector agreed that biodegradable bags should be included in the ban, due to their impact on wildlife and the environment if littered.

These submissions also supported measures to restrict heavier-weight department store bags, with some preferring a ban over voluntary measures.

The environment sector also called for strong government action on other prominent sources of plastic litter such as balloons and fishing litter.

Waste industry

The waste industry submission was supportive of the plastic shopping bag ban and believed the program for implementation was sufficient.

Appendix 1 - Organisations that made submissions

Local government

Local Government Association of Queensland
Mareeba Shire Council
Logan City Council
Moreton Bay Regional Council
Southern Downs Regional Council
Noosa Council
Douglas Shire Council

Retail sector

National Retail Association
Retail Council
Woolworths
Master Grocers Australia
Tanby Garden Centre

Industry – other

Australasian Bioplastics Association
Stanthorpe-Wallangarra Branch of Qld ALP
Australian Association for Environmental Education Queensland Branch Inc.
Consider This Pty Ltd

Waste Industry

Waste Management Association of Australia (Queensland)

Environment

Southern Moreton Bay Islands Coastcare
Birds Queensland
Plastic Bag Free Livingstone
Sunshine Coast Environment Council
Wildlife Preservation Society of Queensland
Australian Marine Conservation Society
Bribie Island Environmental Protection Association Inc
Boomerang Alliance
Douglas Shire Sustainability Group
Tangaroa Blue Foundation
Environmental Defenders Office
Capricorn Coast Landcare Group Inc
Healthy Waterways and Catchments

ATTACHMENT 4

Summary of plastic bag bans in other jurisdictions

Jurisdiction	Legislation
Tasmania	*Plastic Shopping Bags Ban Act 2013* • Commenced 1 November 2013 after a five month transition period. • The primary aim of the Act is to reduce the number of lightweight plastic shopping bags in Tasmania by encouraging the use of clean reusable bags. • Supports the Tasmanian Waste & Resource Management Strategy and builds on initiatives undertaken by many retailers in Tasmania. • Prohibits retailers in Tasmania from supplying shoppers with a plastic shopping bag for the purpose of enabling goods sold, or to be sold, by the retailer, to be carried from the retailer's premises. • The supply of other plastic bags is not restricted. These include compostable biodegradable plastic bags consistent with Australian Standard 4736, re-sealable zipper storage bags, heavier plastic bags (typically used by clothing and department stores) and plastic bags that are an integral part of the packaging (such as bread, frozen foods or ice bags and fruit and vegetable 'barrier' bags). • The offences include a retailer providing a lightweight plastic shopping bag to a customer for the purposes of carry goods bought there, and also the providing of false information. • A retailer is any person selling goods in trade or commerce. This includes, but is not limited to, wholesalers, large scale businesses, market stall holders, road side vendors and online businesses selling products from Tasmania. • A plastic shopping bag means a bag that: 1. has handles, 2. is, in whole or in part, made of polyethylene, and 3. is, in whole or in part, of a thickness of less than 35 microns. • Retailers are not required to charge for any bags they supply.
Northern Territory	*Environment Protection (Beverage Containers and Plastic Bags) Act 2011* • Commenced on 1 September 2011, following a four month phase-out period • Territory retailers can no longer supply lightweight, single use, non-biodegradable plastic bags. • This ban prohibits retailers from selling or giving away plastic bags with handles and made entirely or partly of polyethylene polymer less than 35 microns thick, including those marked degradable.
Australian Capital Territory	*Plastic Shopping Bags Ban Act 2010* • Came into effect on 1 November 2011 after a nine month transition. • The aim of the ban is to reduce the use of plastic bags by restricting the supply of plastic bags at the point of sale where the bag is provided to carry goods. • The objectives are to: o reduce unnecessary consumption; o reduce waste to landfill; and

	○ reduce litter and other environmental impacts of plastic bags. • Overall the ban is estimated to have reduced the volume of plastic bag waste going to landfill by around one third. • The ban applies to bags that are made in whole, or in part, of polyethylene with a thickness of less than 35 microns. These are generally the type of bag distributed through supermarkets, grocery stores and takeaway food outlets. • The ban does not affect: ○ Barrier bags – the type dispensed from a roll to hold items such as loose fruit and vegetables. ○ Heavier reusable plastic bags – the type used by clothing and department stores and now sold at many supermarket checkouts in the ACT. ○ Woven cotton or sturdy bags such as 'green bags' designed for multiple use. ○ Compostable biodegradable bags that have been certified to Australian Standard AS 4736-2006. ○ Paper bags. ○ Bags that are prescribed by regulation not to be a plastic shopping bag. • Applies to all retailers in the ACT. • Retailers are protected from unknowingly buying banned bags and supplying them to customers. If a supplier provides bags they know are banned, they are guilty of an offence under the *Plastic Shopping Bags Ban Act 2010*. • The ban was reviewed in 2012 and 2014.
South Australia	*Plastic Shopping Bags (Waste Avoidance) Act 2008* • Commenced 4 May 2009, phase out commenced on 1 January 2009. • During the transition, retailers were required by legislation to have alternative shopping bags available for customers and to display signage at every cash register. • Legislation provides for minimum sizing of signs for customers. • Legislation does not include: ○ Compostable bags that state they meet the Australian Standard AS 4736-2006 for biodegradable plastics; ○ Barrier bags (no handles), the type dispensed from a roll, typically for items such as loose fruit and vegetables; ○ Paper bags; ○ Heavier retail (or boutique) bags, typically used by clothing and department stores; and ○ Sturdy bags designed for multiple use such as the 'green' bags.

Jurisdictional analysis of Australian waste-to-resource frameworks

Purpose

This document compares waste-to-resource (or beneficial reuse) frameworks across four Australian jurisdictions: Queensland (QLD), New South Wales (NSW), South Australia (SA), and Victoria (VIC).

Overview of waste-to-resource frameworks

Waste-to-resource frameworks generally provide the basis for assessing the suitability of using a particular waste for another purpose. These frameworks recognise that the waste from one process or activity may be safely and beneficially used in another process or activity. A brief overview of each jurisdiction's framework is provided below, followed by a summary of the key commonalities and variations between the frameworks. Additional details regarding the key features of the framework in each jurisdiction are provided in Table 1.

Queensland

QLD's end of waste (EoW) framework is administered under Chapter 8 of the *Waste Reduction and Recycling Act 2011*. A waste is approved for use as a resource through an EoW code or EoW approval, which may be issued based on whether the use of the waste is well-proven and established (EoW code), or whether the use of the waste needs to be demonstrated and proven through a time-limited trial (EoW approval). An EoW code is available to the public, whilst an EoW approval is specific to the holder of the approval. Once a waste meets the conditions under an EoW code or EoW approval it is considered a resource and is no longer subject to waste management controls; however the resource may be required to comply with other legislation.

New South Wales

The NSW waste-to-resource framework is administered under the Protection of the Environment Operations (Waste) Regulation 2014 and is based on resource recovery orders (RROs) and resource recovery exemptions (RRE). RROs apply to the supplier or processor of a waste, whereas RREs apply to the receiver or user of the waste. RROs/RREs may be available to the public to use, or may be granted to a specific person (Specific RRO/RRE). Once a waste material meets the relevant conditions in the RRO/RRE, the material may be exempt from waste management regulatory requirements, such as the need to hold an environmental protection licence.

South Australia

The Environment Protection (Waste to Resources) Policy 2010 provides the legislative head of power for SA's waste-to-resource framework. It provides for a waste to be deemed a product if it meets the specifications or standards published by the Environment Protection Authority South Australia (EPA SA). In the absence of a standard, the waste is deemed a product if it constitutes a product that is ready to be used without requiring further treatment to prevent environmental harm that might result from its use. Standards are in the public domain and typically stipulate the conditions that must be met by the producer, transporter and user of the waste.

Victoria

The Victorian waste-to-resource framework is administered under the Environment Protection (Industrial Waste Resource) Regulations 2009. The framework is based on whether a waste is intended for direct beneficial reuse (DBR), or secondary beneficial reuse (SBR). DBR involves direct reuse of a waste without further treatment and requires that the waste be consigned directly from the waste producer to the end-user. SBR involves the use of a waste following a treatment or reprocessing activity, and requires prior authorisation from the Environment Protection Agency Victoria (EPA VIC).

Commonalities and variations

Waste types: The frameworks in QLD and SA cover all waste types. In NSW, the framework is limited to wastes intended to be applied to land, used as fuel or used in connection with a thermal treatment process; whereas in VIC, the framework applies only to hazardous wastes which are known as prescribed industrial wastes (PIW).

General exceptions: In QLD, the EoW framework is not intended to apply to wastes which are part of a waste management process or activity that would otherwise require an environmental authority (e.g. hazardous waste treatment). Therefore EoW does not provide exemptions from the requirement to hold a licence for a waste management process or activity such as composting or waste treatment.

In NSW, exemptions from waste regulations are not provided for premises where the use of the waste is covered by an environmental licence. These premises are not eligible for an RRE and must continue to use the waste under their environmental licence.

In Victoria, SBR does not cover hazardous waste treatment such as composting, energy recovery or application to land. These activities must continue to be managed under the relevant environmental licences. Additionally, Victoria's SBR is designed for a nominated waste going to a nominated location and does not cover multiple waste producers, receivers, or waste streams.

Prior authorisation needed: All jurisdictions require varying degrees of prior authorisation or other notification under their respective frameworks:

- In QLD, a person must notify EHP when operating under an EoW, and must apply to EHP for the grant of an EoW approval.
- In NSW, prior approval is only required for a Specific RRO/RRE. Supply and use of a waste under a publicly available RRO/RRE does not require EPA authorisation.
- In SA, the requirement to notify the EPA SA varies according to the waste and, if required, is specified in individual product standards.
- In Victoria, a person must lodge a notification and receive authorisation from EPA VIC for SBR of a particular waste. DBR of a waste does not require any authorisation or involvement of EPA VIC.

Ability to impose conditions: All jurisdictions have the ability to impose conditions on the supplier of a waste intended to be used as a resource. However, QLD is the only jurisdiction that lacks the ability to impose conditions on the receiver or user of the waste.

Non-compliance with conditions: Penalties for non-compliance with conditions imposed under the respective frameworks vary by jurisdiction and are summarised in Table 1.

Third party involvement: QLD and Victoria are the only jurisdictions employing the use of a third party review system. In QLD, a suitably qualified person must review and prepare a report about an application for an EoW approval. In Victoria, the notification of an SBR must include a declaration by a qualified environmental consultant or an EPA VIC-appointed environmental auditor depending on the classification of the PIW in question.

Table 1: Comparison of waste-to-resources frameworks in several Australian jurisdictions

	Queensland	New South Wales	South Australia	Victoria
Legislative source	*Waste Reduction and Recycling Act 2011*, Chapter 8	Protection of the Environment Operations (Waste) Regulation 2014 (PEO Reg), sections 91-93	Environment Protection (Waste to Resources) Policy 2010 (clause 4)	Environment Protection (Industrial Waste Resource) Regulations 2009 (IWR Reg), Part 5
Administered by	Department of Environment and Heritage Protection (EHP)	NSW Environmental Protection Authority (NSW EPA)	Environmental Protection Authority South Australia (EPA SA)	Environmental Protection Authority Victoria (EPA VIC)
Overview	A waste is deemed a resource for a specific use if it meets the criteria and conditions stipulated in an end of waste code (EoW code) or an end of waste approval (EoW approval). An EoW code is intended for commonly recovered, well-characterised waste materials. An EoW code for a particular waste applies to any person who intends to supply the waste as a resource. An EoW approval is to be used as a trial to demonstrate that a particular waste can be used as a resource. An EoW approval for a particular waste applies to the holder of the approval.	A waste is exempted from waste management requirements if it is approved for a specific use under a resource recovery order (RRO) and a resource recovery exemption (RRE). An RRO for a particular waste applies to any person who intends to supply the waste that they have generated, processed or recovered. An RRE applies to a receiver of the waste who uses it as designated. An RRE may be: • a General RRE, which is relevant to commonly recovered, high-volume and well characterised waste materials; or • a Specific RRE which may be issued to a person in recognition of intellectual property rights such as unique sampling and testing regimes, or where it is necessary to impose specific conditions on the use or application of a waste material.	In SA, a waste continues to be a waste unless: • it constitutes a product that meets a specification or standard published by the administering authority; or • in the absence of a standard or specification, it constitutes a product that is ready for imminent use without the need for further treatment to prevent any environmental harm that might result from its use. Standards have been published for the use of waste derived fill (blast furnace slag) and for the production and use of waste derived fill, refuse derived fuel, waste derived soil enhancer, and for the use of waste derived fill (blast furnace slag).	A prescribed industrial waste (PIW, or hazardous waste) used for a specific purpose is exempt from relevant waste management requirements if it meets the criteria for direct beneficial reuse (DBR) or secondary beneficial reuse (SBR). DBR involves direct reuse of untreated waste, and requires that the waste be consigned for use. A waste is considered consigned for use when the waste producer and the waste receiver reach an agreement in advance on the reuse application. SBR applies when the waste requires treatment or reprocessing to enable reuse and the treatment or reprocessing does not destroy the hazard properties of the waste.
Wastes covered	All wastes.	Any waste to be applied to land, used as fuel, or used in connection with a thermal treatment process.	All wastes.	Hazardous wastes which are known as prescribed industrial wastes in Victoria.

	Queensland	New South Wales	South Australia	Victoria
General exceptions	An EoW code or EoW approval is not intended to apply to wastes which are part of a waste management process or activity that would otherwise require an environmental authority (e.g. hazardous waste treatment). Therefore EoW does not provide exemptions from the requirement to hold a licence for a waste management process or activity such as composting or waste treatment.	Exemptions from waste regulations are not provided for premises where the use of the waste is covered by an environmental licence. These premises are not eligible for an RRE and must continue to use the waste under their environmental licence.	None specified.	Does not apply to non-PIW (i.e. non-hazardous wastes). An SBR does not cover hazardous waste treatment including composting, energy recovery or application to land. These activities must continue to be managed under the relevant environmental licences SBR is designed for a nominated waste going to a nominated location. Use of a waste involving multiple waste producers, receivers, or waste streams must be managed under a works approval or environmental licence.
Prior authorisation or notification required	EoW code: A person must register in order to use an EoW code, otherwise the waste remains a waste. EoW approval: A person must apply to EHP for the grant of an EoW approval.	RRO: A person does not need to notify or seek authorisation from NSW EPA to use an RRO. General RRE: A person is not required to notify or seek authorisation from NSW EPA to use a publicly available RRE. Specific RRE: A person must apply to NSW EPA for a Specific RRE.	Varies according to the individual standard. For example, the standard for waste derived fill (blast furnace slag) does not stipulate any requirement for EPA SA approval, whereas all production and use of refuse derived fuel requires EPA SA approval.	DBR: A person does not need to notify or seek authorisation from EPA VIC to operate under a DBR. SBR: A person must lodge a notification and receive authorisation from EPA VIC for SBR of a particular waste.
Can conditions be imposed on suppliers of a waste?	Yes, EHP may impose conditions on the supplier of a resource under an EoW code or EoW approval, which it considers necessary and desirable.	Yes, NSW EPA may impose conditions on the supplier of a waste.	Yes, each standard stipulates the conditions to be met by the producer and transporter of the product.	Yes, EPA VIC may impose conditions on an SBR that apply to the producer, transporter, or receiver of the waste.
Penalty for non-compliance by supplier (as at June 2017)	1665 penalty units ($202,963.50) for contravening the condition of an EoW code or EoW approval.	Contravening a condition of an RRO incurs a penalty of 200 penalty units ($22,000) for an individual and 400 penalty units ($44,000) for a corporation. Additionally, separate offences related to record-keeping, and supply of information about test results for the	The material may be considered by EPA SA to remain a waste and be subject to applicable waste regulation and offences.	20 penalty units ($3,109.20) for contravening the condition of an SBR. Additionally, the material reverts to a PIW and penalties for its mismanagement may apply.

	Queensland	New South Wales	South Australia	Victoria
		waste are prescribed in the legislation. Non-compliance in each instance carries a penalty of 100 penalty units for an individual and 200 penalty units for a corporation.		
Can conditions be imposed on the receiver or user of a waste?	No, EHP cannot impose an obligation on the user of a resource under an EoW code or EoW approval.	Yes, NSW EPA may impose conditions on the users of a waste under an RRE.	Yes, each standard may stipulate conditions that users of a product must comply with.	Yes, EPA VIC may attach conditions on an SBR.
Penalty for non-compliance by user or receiver (as at June 2017)	N/A	Separate offence related to record-keeping, and supply of information about test results for the waste are prescribed in the legislation. Non-compliance in each instance carries a penalty of 100 penalty units for an individual and 200 penalty units for a corporation.	If the conditions are not complied with, the material reverts to being considered a waste which is subject to applicable waste regulation and offences.	20 penalty units ($3,109.20) for contravening the condition of an SBR. Additionally, the material reverts to a PIW and penalties for mismanagement may apply.
Third party involvement	EoW code: EHP may establish a technical advisory panel to prepare a draft code. EoW approval: Each application to grant an EoW approval must include a report about the application prepared by a suitably qualified person.	None specified.	None specified.	SBR: The notification of an SBR must include a declaration by an independent third party review. The reviewer must be a qualified environmental consultant for Category C PIW (least hazardous), or an EPA VIC-appointed environmental auditor for Category A and B PIW (most hazardous).
Additional sources of information			Waste derived fill (blast furnace slag) specification 2015 Standard for the production and use of refuse derived fuel	EPA Victoria 2016, *Reuse of PIW – direct and secondary beneficial reuse,* EPA Victoria, Melbourne.

Attachment 6

Answers to Committee Questions

Can you explain what additional conditions are proposed in the Bill on the use of human waste as fertiliser in Queensland?

The Bill does not propose specific conditions for the use of human waste (biosolids) as fertiliser. Rather, the Bill will provide the department with the general ability to impose conditions or requirements on the use of wastes (including biosolids) which are considered necessary or desirable. The specific conditions for using biosolids (e.g. storage, rate of application to land) will be described in the relevant end of waste code or end of waste approval when it is developed.

The Bill will effectively allow existing conditions on the use of biosolids as fertiliser to continue. These user conditions are currently described in approvals which were granted under the former beneficial use approval framework, and which are due to expire on 31 December 2018. These approvals are the General Beneficial Use Approval for Biosolids under which anyone can operate, and specific beneficial use approvals granted to specific persons. As of June 2017, one person had registered under the General beneficial use approval, and a further 10 were operating under specific beneficial use approvals.

Without the proposed amendments in the Bill, the end of waste code for biosolids that will be developed to replace the expiring approvals will not stipulate conditions for the use of the biosolids, since this is not the intent of the current *Waste Reduction and Recycling Act 2011.* To compensate for this lack of control on the use of the waste, the waste would have to meet more stringent quality requirements before it can be supplied as a resource. Meeting the stringent quality requirements may necessitate additional processing or pre-treatment of the waste, which may deter resource recovery and lead to greater landfill disposal of an otherwise useful resource.

How will the changes to the administration of end of waste codes proposed in the Bill impact on the use of trash products from agricultural processing, such as the waste products from cotton processing as fertiliser and stock feed by primary producers? Will the changes add additional restrictions and impose additional costs for primary producers?

The changes proposed in the Bill will enable the department to impose conditions on the users of agricultural processing wastes under an end of waste code or an end of waste approval. Specific user conditions will be described in the relevant end of waste Code or end waste approved when they are developed.

It is expected that user conditions, where imposed, would be based on cost-effective best practice environmental management measures which minimise the environmental harm that might result from using the waste. Further, in keeping with the department's regulatory strategy, it is envisioned that user conditions, where imposed, would be outcomes focused rather than prescriptive, thus allowing the user to adopt the most cost-effective method to achieve the outcomes.

Several approvals were issued under the beneficial use approval framework and are currently in force for agricultural processing waste, including sugar mill by-products, paunch, and biodunder (the fermentation residue of producing ethanol from molasses). The user conditions on these approvals include requirements to:

- transport the resource in a way that prevents any release during transport;
- store the resource properly to prevent releases of the resource to land, air or waters;
- limit the amount or resource stored to the amount needed to meet operational demand;
- manage stormwater or runoff that has come into contact with the resource; and
- maintain records concerning the details of the resource application to land, such as the application rate, date and method.