



Consultation Paper

Proposed legislative amendments to reduce litter and boost recycling

Prepared by: Office of Waste Reduction and Recycling
Department of the Environment, Tourism
Science and Innovation.

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Table of contents

Table of contents	3
Background.....	4
Providing feedback	4
Proposed amendments.....	5
Amendments to simplify administration of waste legislation	5
Amendments to help support increased recycling	6
Amendments to help ease waste levy administration	7
Amendments to help tackle litter and illegal dumping	8
Amendments to encourage reuse of soil	9
Consultation questions	11

Background

This consultation paper has been prepared for the purposes of seeking feedback on amendments to the *Waste Reduction and Recycling Act 2011* (WRR Act) and the *Environmental Protection Act 1994* (EP Act) to reduce litter and boost recycling. The proposed amendments are intended to support the government's priorities in relation to waste as outlined in the draft *Less Landfill, More Recycling 2035: Queensland Waste Strategy* which focuses on harnessing the economic opportunities of waste and recycling and unleashing innovation. It also responds to key feedback from the End of Waste (EOW) Framework Review Report. These amendments deliver on those commitments by clarifying and simplifying legislative requirements and reducing regulatory and administrative burden.

There are ten legislative amendments being proposed. Nine proposals seek to amend the WRR Act and one to amend the EP Act.

Providing feedback

You can provide feedback on these proposed amendments by providing a written response that addresses the questions included in this paper by **5pm 8 June 2026**.

Proposed amendments

Amendments to simplify administration of waste legislation

1. Reference to 'day' as 'business day':

Presently, the WRR Act inconsistently references 'days' as either calendar or business days. This has the potential to cause ambiguity and practical challenges, especially when deadlines fall on weekends or public holidays. For example, section 30 of the WRR Act provides that the chief executive must decide either to grant or to refuse an exempt waste application within 28 days after the application or additional information/documents requested by the chief executive is received. Conversely, section 31 of the WRR Act explicitly references 'within 5 business days'.

It is proposed the WRR Act be amended to align with other legislation, such as the EP Act, to clarify the intended meaning of the term 'day' as 'business days'.

2. Establishing formal process for amendments to existing exempt waste approvals:

Section 33 of the WRR Act authorises the amendment of approval by agreement for an exempt waste application. Amendment applications by agreement can often be as complex and time-consuming as a new exempt waste application. Currently there is no formal application, assessment and decision process for an amendment to an existing exempt waste approval. Without these structures, there is an increased risk of inconsistent decision-making and unknown assessment criteria and timeframes for applicants. Additionally, there is no avenue for appeal for applicants.

It is proposed section 33 of the WRR Act be amended to establish the same assessment criteria, timeframes, ability to request further information, notice of approval and information notice/review rights as an application for approval of waste as exempt waste in sections 28(4)-32.

3. Clarifying waste measurement requirements:

Section 59 of the WRR Act relates to the measurement of waste. Particularly, section 59(1) states that waste, or an amount of other material that is more than 1 tonne, is required to be measured in particular circumstances (these are set out in subsections (a) - (d)). This provision has reportedly generated some confusion among operators and also department representatives due to the placement of the commas. There has also been some confusion around whether the "other material" includes machinery and equipment being used by the operator as part of operating the waste disposal site.

It is proposed that this provision is revised to clarify that the measurement is required: for all waste; and more than 1 tonne of other material. The provision will also be reviewed to exclude machinery and equipment used for the operation of the site.

Amendments to help support increased recycling

4. Meaning of 'waste':

The meaning of waste provided in section 8AA of the WRR Act is unclear. This has resulted in inconsistent interpretations of what is considered a waste and restricts innovation in recycling and reuse.

The impacts of waste processing environmentally relevant activities (ERA) are managed under the conditions of environmental authorities, but the products may still be considered a waste under some interpretations of the WRR Act. This lack of clarity was highlighted in the review of the EOW Framework carried out in 2023. It has also been raised by several Queensland operators who are exploring innovative technologies for recycling.

The intent of this amendment is not to change the requirement to have a waste ERA when accepting waste and processing it into a new product. Additionally, material that remains a waste after processing, or does not meet the required standard, would still be considered a waste and require an end of waste code to use it as a resource, which may require certain standards or restrictions on use to be met.

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. This may result in increased waste to landfill and businesses moving elsewhere where there is more legislative certainty.

It is proposed the meaning of 'waste' in section 8AA of the WRR Act is reviewed to ensure material that does not meet the meaning of waste may not be considered a waste, even if there is no EOW code for the material.

Subject to the outcome of consultation, this could be through an additional provision.

For example, inserting: "To remove any doubt, a thing can cease to become a waste if the thing is processed, transformed or remanufactured and meets a required standard to avoid environmental harm and no longer meets the meaning of waste under this section".

This provision may also include the ability for the chief executive to issue a guideline on the meaning of waste to assist with interpretation and provide examples.

5. Recognised religious organisations:

Section 28 of the WRR Act provides that a person may apply for approval of waste as exempt from the waste levy. The types of waste that may be considered includes 28(2)(a) waste that has been donated to a charitable recycling entity but that can not practicably be re-used, recycled or sold.

A charitable recycling entity is defined in section 28(5) to mean an entity that—

- operates on a not-for-profit basis; and
- is registered as a charity under the *Collections Act 1966*; and
- is a Deductible Gift Recipient for the purposes of laws administered by the Australian Taxation Office of the Commonwealth; and

- actively and consistently operates a recycling or re-use program for— (i) providing emergency assistance; or (ii) otherwise supporting the charitable purposes of the entity.

Some recycling entities are run by recognised religious organisations that do not meet the definition of charitable recycling entity in section 28(5) because they are exempt from requiring registration as a charity under the *Collections Act 1966*. Some may also have difficulty meeting the requirement to be a Deductible Gift Recipient as they receive donated goods that may not be tax deductible.

An exemption for these entities is provided under section 35 with a requirement to make an application along the lines of an exempt waste application made under section 28.

It is proposed the definition of charitable recycling entity in section 28(5) of the WRR Act be amended to allow for recognised religious organisations to apply for a waste levy exemption under s28(2)(a) for waste that has been donated to a charitable recycling entity but that can not practicably be re-used, recycled or sold.

Amendments to help ease waste levy administration

6. Ability to seek an extension for annual volumetric surveys in particular circumstances:

In each year before the end of July, an operator of a levyable waste disposal site in the waste levy zone must give the chief executive a copy of the results of annual volumetric surveys undertaken in June, as required under section 67 of the WRR Act. The penalty for non-compliance is a maximum of 200 penalty units.

Currently, the WRR Act does not enable the department to grant exemptions beyond the due date of 31 July. Each year, numerous operators face challenges meeting this deadline due to external factors, including weather events preventing drone flights and difficulty engaging a registered surveyor in the window of June. Typically, only a small percentage of operators are unable to meet this deadline and in almost all cases there is a reasonable justification. It is considered unreasonable for these operators to be facing penalties due to unforeseen or uncontrollable circumstances.

It is proposed section 67 of the WRR be amended to enable the department discretion to allow an operator of a levyable waste disposal site to submit an annual volumetric survey outside of the prescribed timeframe, where reasonable in the circumstances. This would ensure operators who face challenges meeting this deadline due to external factors are not penalised.

7. Clarifying process for operators applying for extensions of time to pay the waste levy amount:

Section 72G of the WRR Act sets out the process for operators applying for extensions of time to pay the waste levy amount. Section 72H extends upon section 72G in that it also provides the process for operators applying for extensions of time to submit waste data returns in addition to the process for paying the waste levy amount. There is significant confusion amongst operators and department representatives regarding the duplicative nature of these two provisions, noting both outline the same process for applying for extensions of time to pay the waste levy amount.

It is proposed section 72G and/or 72H of the WRR Act be amended to remove ambiguity, noting both sections set out the process for operators applying for extensions of time to pay the waste levy amount.

Amendments to help tackle litter and illegal dumping

8. Littering provisions for unsolicited advertising material:

This amendment relates to the management of unsolicited advertising material (also known as junk mail).

There is a large and growing number of complaints to the department about junk mail which diverts state government resources to address a minor, local level nuisance issue which is not proportionate to the environmental impact (if any).

Enforcement of these provisions diverts resources from more serious issues such as illegal dumping. Approximately 1/3 of all cases reported to the Litter and Illegal Dumping Compliance Operations unit relate to unsolicited advertising material/newspapers and the volume is growing each year. Currently there is no direct penalty for breaching this section.

The provisions are administratively burdensome and do not allow for a timely rectification of issues. The penalty for breaching a compliance notice is too high (higher than for littering under s103) and community newspapers are not included in the definition in s106 despite being the most common source of litter on footpaths.

Options considered include: repealing Chapter 5, Part 2; devolving Chapter 5, Part 2 to local government; or devolving to local government and providing for a penalty infringement notice (PIN) for s107, 108 and 109, and amending s106 to include newspapers.

Removing these provisions may impact local government's ability to respond to nuisance complaints associated with littering of unsolicited advertising material. In this case, devolution may be preferable to removal. A new PIN associated with this offence that is proportionate to the environmental nuisance caused, may help to enable a faster response to nuisance complaints. Feedback is particularly sought from local governments in relation to the preferred approach to resolving this matter.

It is proposed to repeal Chapter 5, Part 2, as these are minor nuisance issues which could be enforced at a local level under local laws.

9. Strengthening support for enforcement of littering and illegal dumping provisions:

The inclusion of a new offence for damaging or removing a surveillance camera provides a mechanism for State and local government to recover costs associated with vandalism of surveillance equipment which form a key part in the detection of illegal dumping offences.

Cameras and other equipment and infrastructure deployed by the department and local governments to manage litter and illegal dumping have been vandalised and/or stolen. Currently there is no offence provision for removal or damage to surveillance equipment under the WRR Act. Surveillance cameras form a key part in the detection of illegal dumping offences.

It is proposed to include a new offence, which would align with the offence of damaging monitoring equipment in the EP Act, section 444, '*Offence of interfering with monitoring equipment*' which provides

that a person must not interfere with any monitoring equipment used under this Act or a development condition of a development approval.' The maximum penalty for this provision is 165 penalty units. This offence could also be delegated to local government to allow the department (or local government) to take enforcement action and if successfully substantiated, issue a PIN.

It is proposed to include a new offence in Chapter 5 (Offences relating to littering and illegal dumping), for damaging or removing a surveillance camera.

Amendments to encourage reuse of soil

10. Update provisions for movement, reuse and disposal of contaminated soil:

Soil disposal permits were originally introduced on 6 July 1998 to provide a permitting process that allowed the administering authority to specify conditions for the transport and disposal of contaminated soil from environmental management register (EMR) or contaminated land register (CLR) listed sites.

In 2014, the EP Act was amended to:

- remove the soil disposal permit (SDP) provisions in sections 424 and 425, and
- insert a transitional provision (section 739) to provide for SDPs until a day prescribed by regulation.

Existing waste tracking arrangements in the EP Regulation were intended to replace the requirement for an SDP.

The waste tracking arrangement are outlined in Chapter 5, Part 9 of the EP Regulation and apply to the transportation of regulated waste of type stated in Schedule 11 – this includes the transportation of waste into Queensland.

The SDP provisions apply to:

- the removal and treatment or disposal of contaminated soil from land for which particulars are recorded in the EMR or CLR; and
- bringing contaminated soil from contaminated land outside the state into Queensland for treatment or disposal.

Recent consultation on the PFAS regulated waste threshold limits was broadly supportive of removing contaminated soil from the regulated waste framework. Regulation amendments to clarify this took effect from June 2025.

It is proposed to remove the transitional provisions for SDPs and introduce a new provision in the EP Act that provides for the transport, treatment, disposal and reuse of contaminated soil from an EMR/CLR listed site.

This has been requested by industry to provide clarity and reduce treatment costs.

It will require an application to remove contaminated soil for reuse on another site, treatment or disposal. Once approved, the department will issue a permit. It is anticipated this will result in a minor

increase administrative burden however, it would be similar to SDPs. It will also ensure oversight of the movement of contaminated soil and link to the National Environmental Protection Measures and relevant standards for sampling requirements.

The use of the existing waste tracking provisions is not considered appropriate because:

- Contaminated soil from an EMR or CLR site does not meet the requirements to be a regulated waste or trackable waste as it is often not industrial or commercial waste and may not include the materials listed in Schedule 9, Part 3, Division 1 of the EP Regulation.
- Amending the definition of regulated waste to include contaminated soil could have unintended consequences in limiting soil reuse and requiring a regulated waste ERA when dealing with contaminated soil.
- Schedule 9 of the EP Regulation does not include the full range of contaminants that result on land being placed on the EMR/CLR (e.g. radioactive sands from mineral processing).

It is proposed to include a new provision in the EP Act that provides for the transport, treatment, disposal and reuse of contaminated soil from an EMR/CLR listed site through the issuing of a Soil Management Licence.

Consultation questions

1. Do you support the proposed amendments?
2. How will these amendments affect you or your organisation and are there any unintended consequences that may arise from these proposed amendments?
3. What support would you require, if any, to prepare yourself or your organisation to transition these policy proposals into general practice? For example, would you require guidance or additional support from the department?
4. Are there additional costs or benefits for each policy proposal that have not been captured?

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