



Queensland

Waste Reduction and Recycling (Waste Primary Produce and Primary Production Waste) Amendment Youth Act 2024

A Youth Act to amend the Waste Reduction and Recycling Amendment Act 2001 for particular purposes.

[Assented to 4 November 2024]



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The Youth Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Youth Act may be cited as the *Waste Reduction and Recycling (Waste Primary Produce and Primary Production Waste) Amendment Youth Act 2024*.

2 Commencement

This Youth Act commences on a day to be fixed by proclamation.

Part 2 Amendment of Waste Reduction and Recycling Act 2011

3 Act amended

This part amends the *Waste Reduction and Recycling Act 2011*.

4 Amendment of s 8AA (Meaning of waste)

Section 8AA—

insert—

(4A) For part 4A—an animal which is alive can be **waste**.

Example—

male chicks at an egg farm.

5 Insertion of new ch 4, pt 3C

After chapter 4, part 3B—

insert—

Part 3C Waste primary produce and primary production waste

Division 1 Preliminary

Subdivision 1 Interpretation

99ZZA Definitions for part

In this part—

consultation period, for a waste standard, see section 99ZB(1)(b)(ii).

cosmetic standards means standards about—

- (a) the way primary produce looks or smells;
- (b) the size or shape of primary produce.

large primary produce seller means a person that bought and sold 100 tonnes or greater of primary produce in the previous year.

Examples of large primary produce sellers—

a retailer, a distributor, a wholesaler.

primary produce see *Food Production (Safety) Act 2000*, section 10.

primary producer means a person who carries out the production of primary produce as part of a business, enterprise or activity for a commercial purpose.

primary production waste means waste generated

by a primary producer that is—

- (a) waste primary produce; or
- (b) organic waste produced during the production of primary produce.

production of primary produce see *Food Production (Safety) Act 2000*, section 11.

related bodies corporate means bodies corporate that are related under the Corporations Act, section 50.

waste primary produce means primary produce that is waste.

Example of waste primary produce—

fruit and vegetables not sold or donated after harvest

waste standard means a standard made under section 99ZZJ(1) or 99ZZO(1).

Subdivision 2 Waste standards

99ZZB Notice of proposed waste standard

- (1) Before the chief executive makes a waste standard, the chief executive must publish the following on the department's website—
 - (a) a copy of the proposed waste standard;
 - (b) a notice stating—
 - (i) that a person may make a submission to the chief executive about the proposed waste standard; and
 - (ii) the period, of at least 30 business days, (the ***consultation period***) during which a submission may be made; and
 - (iii) how to make a submission.
- (2) The chief executive must ensure the documents

mentioned in subsection (1) are published on the department's website throughout the consultation period.

99ZZC Consideration of submissions

The chief executive must consider all submissions made during the consultation period before deciding whether to make the waste standard.

99ZZD Publication of waste standards

The chief executive must publish a copy of each waste standard made by the chief executive on the department's website.

99ZZE Approval of waste standard by regulation

A waste standard takes effect when it is approved by a regulation.

Subdivision 3 Penalties in special cases

99ZZF Penalties for primary producers and large primary producer sellers employing greater than 200 employees

For an offence against this part committed by a primary producer or large primary produce seller that together with its related bodies corporate employs greater than 200 employees, the maximum penalty is the greater of the following—

- (a) \$50,000,000;
- (b) 3 times the total value of the benefits that have been obtained by one or more persons

that are reasonably attributable to the commission of the offence;

- (c) 30% of the primary producer's or large primary produce seller's turnover during the financial year that the offence was committed in.

Division 2 Primary producers

99ZZG Main purpose of division

- (1) The main purpose of this division is to reduce waste primary produce generated by primary producers in Queensland.
- (2) The main purpose of this division is achieved by—
 - (a) making it offence for primary producers to not comply with the circular economy principle; and
 - (b) giving the chief executive the power to make standards about—
 - (i) the management of primary production waste; and
 - (ii) if the purpose of the primary production waste standard is to reduce the amount of primary production waste produced during the production of primary produce—the production of primary produce.

99ZZH Constitutional basis for this division

- (1) To avoid any doubt, it is not Parliament's intention that this division has a protectionist effect.

- (2) Also, it is Parliament's opinion that this division does not have a protectionist effect.
- (3) Even if this division does have a protectionist effect, it is Parliament's opinion that this division is reasonably necessary to achieve the main purpose of this division, which is a legitimate object.

99ZZI Primary producers must comply with circular economy principles

- (1) A primary producer must, to the extent reasonably practicable, comply with the circular economy principle when managing primary produce waste.

Maximum penalty—

- (a) if the offence was committed by a primary producer that together with its related bodies corporate employs greater than 200 employees—the amount calculated under section 99ZZF; or
 - (b) if paragraph (a) does not apply and the offence was committed with intention or reckless indifference—1,665 penalty units; or
 - (c) otherwise—600 penalty units.
- (2) However, a primary producer may not be convicted of an offence against subsection (1) if a reasonable primary producer could properly consider that the primary producer's conduct did not contravene subsection (1).
 - (3) Without limiting the ways a primary producer may comply with the circular economy principle, a primary producer may—
 - (a) adopt practices that prioritise resource efficiency throughout the production process;

- (b) minimise primary produce waste generation and promote the reuse, repair, and recycling of primary produce waste;
- (c) develop and utilise sustainable primary produce production methods and technologies;
- (d) engage in partnerships or collaborations that facilitate the circular flow of primary produce.

99ZZJ Chief executive may make primary production waste standards

- (1) The chief executive may make standards (*primary production waste standards*) about—
 - (a) the management of primary production waste; and
 - (b) if the purpose of the primary production waste standard is to reduce the amount of primary production waste produced during the production of primary produce—the production of primary produce.
- (2) A primary production waste standard—
 - (a) may only apply to primary producers; and
 - (b) must state which primary producers it applies to; and
 - (c) only applies to the primary producers that it states it applies to.
- (3) Without limiting subsection (1), a primary production waste standard may include provisions that do any of the following—
 - (a) limit how much primary production waste can be generated;
 - (b) restrict the kinds of waste that can be produced;

- (c) prescribe how (including, for example, methods and timeframes) primary produce must be—
 - (i) grown, cultivated, raised or reared;
 - (ii) picked, harvest, collected or caught;
 - (iii) transported or delivered;
 - (iv) stored;
 - (v) otherwise processed;
- (d) prescribe how (including, for example, methods and locations) primary producers manage primary production waste;
- (e) require a primary producer to participate in a partnership, program or scheme for the management of primary production waste;
- (f) require a primary producer to prepare and submit a plan detailing how it will manage primary production waste;
- (g) require a primary producer to publish on a website a thing mentioned in (d) or (f).

99ZZK Compliance with primary production waste standard

- (1) This section applies if a primary production waste standard applies to a primary producer.
- (2) The primary producer must comply with the primary production waste standard.

Maximum penalty—

- (a) if the offence was committed by a primary producer that together with its related bodies corporate employs greater than 200 employees—the amount calculated under section 99ZZF; or

effect, it is Parliament's opinion that this division is reasonably necessary to achieve the main purpose of this division, which is a legitimate object.

99ZZN Prohibition on large primary produce sellers imposing cosmetic standards

- (1) A large primary produce seller must—
 - (a) not impose, whether by contract, buying practices or otherwise, cosmetic standards about primary produce; and
 - (b) buy and sell primary produce regardless of whether the primary produce complies with cosmetic standards.

Maximum penalty—

- (a) if the offence was committed by a large primary produce seller that together with its related bodies corporate employs greater than 200 employees—the amount calculated under section 99ZZF; or
 - (b) if paragraph (a) does not apply and the offence was committed with intention or reckless indifference—1,665 penalty units; or
 - (c) otherwise—600 penalty units.
- (2) Nothing in this section prevents a large primary produce seller from—
 - (a) imposing standards about the fitness for human consumption of primary produce; and
 - (b) not buying or selling primary produce that would be unfit for human consumption.

99ZZO Chief executive may make primary produce sale standards

- (1) The chief executive may make standards (*primary produce sale standards*) about the way primary produce is bought, stored and sold by large primary produce sellers.
- (2) However, the chief executive may only make a primary produce sale standard if the purpose of the standard is to reduce the amount of waste primary produce generated by large primary produce sellers.
- (3) A primary produce sale standard—
 - (a) must state which large primary produce sellers it applies to; and
 - (b) only applies to the large primary produce sellers that it states it applies to.

99ZZP Compliance with primary produce sale standard

- (1) This section applies if a primary produce sale standard applies to a large primary produce seller.
- (2) The large primary produce seller must comply with the primary produce sale standard.

Maximum penalty—

- (a) if the offence was committed by a large primary produce seller that together with its related bodies corporate employs greater than 200 employees—the amount calculated under section 99ZZF; or
- (b) if paragraph (a) does not apply and the offence was committed with intention or reckless indifference, or involved a substantial contravention of the primary production sale standard—1,665 penalty units; or

- (c) otherwise—600 penalty units.

Division 4 Redistribution of waste primary produce

99ZZQ Main purpose of division and how it is achieved

- (1) The main purpose of this division is to reduce waste primary produce generated by primary producers in Queensland.
- (2) The main purpose of this division is achieved by establishing a scheme to distribute waste primary produce before it is disposed of or becomes unfit for human consumption.

99ZZR Waste primary produce notification system

The chief executive must establish and maintain a system (*waste primary produce notification system*) on the department's website that—

- (a) allows primary producers to notify the chief executive about their intention on the dispose of waste primary produce;
- (b) automatically publishes those notifications on the department's website.

99ZZS Primary producer to notify intention to dispose of 1 tonne or greater of waste primary produce

- (1) If a primary producer intends to dispose of 1 tonne or greater of waste primary produce, the primary producer must notify the chief executive using the waste primary produce notification system of their intention at least 48 hours before disposing of the waste primary produce.

Maximum penalty—10 penalty units.

(2) In this section—

dispose includes leave to rot.

99ZZT Collection of waste primary produce subject to notification

(1) This section applies if waste primary produce is the subject of a notification by a primary producer made using the waste primary produce notification system.

(2) Any of the following persons may, after agreeing a reasonable price with the primary producer, collect the waste primary produce before it is disposed of—

(a) the State;

(b) a department;

(c) a government owned corporation;

(d) a statutory body;

(e) a local government;

(f) an entity subject to the control of a person stated in paragraphs (a) to (e).

(g) an entity that is a charity.

(3) In this section—

dispose includes leave to rot.

99ZZU How collected waste primary produce is to be used

A person who collects waste primary produce under section 99ZZT must prioritise using the waste primary produce for charitable purposes.