

Waste Reduction and Recycling and Other Legislation Amendment Regulation 2025

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Andrew Powell MP, Minister for the Environment and Tourism and Minister for Science and Innovation provide this human rights certificate with respect to the *Waste Reduction and Recycling and Other Legislation Amendment Regulation 2025* made under the *Nature Conservation Act 1992*, and the *Waste Reduction and Recycling Act 2011*.

In my opinion, the *Waste Reduction and Recycling and Other Legislation Amendment Regulation 2025*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The *Waste Reduction and Recycling and Other Legislation Amendment Regulation 2025* (the Amendment Regulation) amends the *Nature Conservation (Animals) Regulation 2020* (Animals Regulation), the *Nature Conservation (Plants) Regulation 2020* (Plants Regulation) and the *Waste Reduction and Recycling Regulation 2023* (Waste Regulation).

Waste matters

The objective of the Waste Regulation is to provide a regulatory mechanism for the implementation of the *Waste Reduction and Recycling Act 2011* (Waste Act) to support the management of waste and waste reduction and recycling activities through setting regulatory requirements.

The Waste Act provides for the Waste Regulation to prescribe exempt waste types for the definition of a waste disposal site, and as exempt from the waste levy. The Waste Act also provides for the chief executive to declare waste to be exempt waste in exceptional circumstances.

A current waste levy exemption and declaration of exempt waste for fly-ash waste generated from coal fired power stations effectively provides an exemption from all obligations relating to the waste levy. The Waste Regulation is to be amended to consolidate these exemptions and provide an ongoing exemption for this waste type.

A current waste levy exemption is also in place for waste generated in Norfolk Island and imported by the Norfolk Island Regional Council into Queensland with an expiry date of 30 June 2026. The Waste Regulation is being amended to extend this exemption to 30 June 2030.

The Amendment Regulation also updates the standard unit of measurement for banned plastic bags by replacing microns with micrometres (µm).

Nature conservation matters

Flying-foxes

The Animals Regulation, enacted under the *Nature Conservation Act 1992* (NC Act), provides for the management and conservation of protected wildlife in Queensland, including the use of Damage Mitigation Permits (DMPs) for managing flying-fox impacts on commercial crops. In 2023, a phase-out approach was introduced to encourage growers to transition from shooting practices to fully non-lethal mitigation measures, such as full-exclusion netting.

A review undertaken by the Department of the Environment, Tourism, Science and Innovation in July 2025 highlighted significant challenges faced by growers in meeting the 30 June 2026 deadline for full transition. Financial constraints, operational limitations, and environmental factors, such as the high cost and vulnerability of netting structures in storm-prone areas, were identified as key barriers – particularly for smaller farms north of Bundaberg. Despite these challenges, industry progress is evident, with many growers adopting exclusion netting supported by a former Commonwealth netting subsidy program.

In response to industry feedback, the Animals Regulation is being amended to repeal the phase-out end date, allowing DMPs to continue to be granted to eligible growers while maintaining the annual shooting quota. This approach aims to allow affected industry to continue to apply for and access DMPs for crop protection as a last resort. A sunset review of the Animals Regulation in 2030 may assess the ongoing need for these provisions. By supporting industry-driven change, the government seeks to balance crop protection with improved animal welfare and conservation outcomes for flying-foxes.

Species reclassifications

Amendments to the Animals Regulation and the Plants Regulation update species classifications. Species reclassification is a routine, ongoing process undertaken to meet the requirements of the NC Act, including the protection and conservation of Queensland's native wildlife. It ensures that listings under the NC Act are kept up to date with current scientific knowledge. The Species Technical Committee (STC), an expert panel of government and non-government scientists, is responsible for overseeing the wildlife classification process. The STC provides an independent, unbiased, scientific assessment of nominations for changes to species listings, based on the most recent scientific data, and makes recommendations for changes to species classifications.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

Consideration has been given as to whether the Amendment Regulation might engage human rights under the *Human Rights Act 2019* (HR Act).

The amendments to the Animal Regulation for flying-fox provisions may engage the right to property (section 24 of the HR Act) as it relates to the management of protected wildlife for commercial crop protection purposes.

The Amendment Regulation amends the Animals Regulation, and Plants Regulation for the reclassification of native wildlife, as well as the amendments to the Waste Regulation, do not engage human rights.

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

Consideration has been given as to whether the Amendment Regulation limits those human rights engaged under the *Human Rights Act 2019*.

Section 24 of the *Human Rights Act 2019* provides protections for property rights. The right essentially protects a person from having his or her property unlawfully removed. Allowing DMPs to continue to be granted to eligible growers interacts with a person's right to own property and not be arbitrarily deprived of his or her property because DMPs allow for the protection of commercial crops which have property-like characteristics. The removal of the expiry date for applying for and issuing DMPs continues to maintain the current status quo and whilst potentially engaging property rights, the amendment does not limit those rights.

Conclusion

I consider that the *Waste Reduction and Recycling and Other Legislation Amendment Regulation 2025* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

ANDREW POWELL MP
MINISTER FOR THE ENVIRONMENT AND TOURISM
MINISTER FOR SCIENCE AND INNOVATION

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