

**DRAFT Amended End of Waste Code
Plasterboard (ENEW07618819)**

Waste Reduction and Recycling Act 2011

Version history

Version	Date	Description of changes
1.	October 2021	Commencement of EOW code on gazettal
2.	February 2024	Consultation draft for amended code

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1. Explanatory Statement

This End of Waste (EOW) code for waste **plasterboard** has been issued by the **chief executive** in accordance with section 159 of the *Waste Reduction and Recycling Act 2011* (WRR Act).

This EOW code states when waste **plasterboard** becomes a **resource** and any relevant requirements and/or conditions for its use. If the **resource** is not being used in accordance with the relevant requirements and/or conditions of this EOW code, or another type of permit that allows for its use, it is considered a waste under section 8AA of the WRR Act and must be disposed of appropriately at a facility that is **lawfully** able to receive the waste.

2. Guidance

2.1 Resource use versus activity

Under section 155 of the WRR Act, a waste stops being a waste and becomes a **resource** when it meets the requirements and conditions of an EOW code. Under section 159 of the WRR Act, an EOW code specifies the circumstances when a waste becomes a resource; how it must be used to be considered a resource; when it is no longer considered a resource but a waste instead; and conditions that must be complied with by resources users and registered resource producers.

An Environmental Authority (EA) under the *Environmental Protection Act 1994* (EP Act) is required where an activity being undertaken triggers the threshold for any environmentally relevant activity (ERA). This means that treating or processing the waste to meet the resource quality criteria under the EOW code may require an EA under the EP Act if the activity meets the threshold for an ERA.

2.2 Resource versus waste

A waste that is a **resource** under an EOW code is considered a **resource** only for the use(s) approved in an EOW code. To be considered a resource under the EOW code, the material used as the resource must meet the requirements of the EOW code and be used in accordance with the conditions of the EOW code, otherwise it is considered a waste and must be managed in accordance with waste management requirements under the EP Act and the WRR Act and their subordinate legislation.

A **resource** under an EOW code, is deemed to be a waste again, if it is not used in accordance with the EOW code; if it is being stored without use; if it is disposed of at a waste disposal site; or if it is deposited at a place in a way that would, apart from its use approved under an EOW code, constitute a contravention of the general littering provision (section 103) or the illegal dumping of waste provision (section 104) under the WRR Act.

2.3 Failure to comply

It is an offence under section 158(1) of the WRR Act for a **registered resource producer** to produce the **resource**, or use, sell or give away the **resource** unless they comply with the requirements under an EOW code. Further, it is an offence under section 158(2) of the WRR Act for a **person** to use the **resource** in a way, or for a purpose, that does not comply with an EOW code for the **resource**. These offences carry a maximum penalty of 1,665 penalty units for an individual and 8,325 penalty units for a corporation¹.

Please refer to Appendix A of this EOW code for general obligations for all **persons** operating under this EOW code, which includes the **resource users**.

¹ The value of a penalty unit is stated in the *Penalties and Sentences Regulation 2015* (Qld).

2.4 Lawfulness of the activity

The issuing of this EOW code for the use of a **resource** does not warrant or imply the lawfulness of the activity under all legislation, or that approvals necessary under other legislation have or will be approved. It is the responsibility of the **registered resource producer** and **resource user** to identify and obtain all other approvals necessary for the relevant activities.

3. Period of this EOW code

This EOW code takes effect from the day of gazettal of this EOW code and remains in force until it is amended, cancelled or suspended by the **chief executive**².

4. Waste to which this EOW code applies

This EOW code is limited to waste **plasterboard**. Waste **plasterboard** becomes a **resource** when the requirements and conditions under this EOW code are met.

5. Person to whom this EOW code applies

5.1 Registered resource producers of the resource

- 5.1.1 A **registered resource producer** for this EOW code must comply with the stated **registered resource producer** requirements in Section 6 – Registered Resource Producer Requirements.

5.2 Resource users

- 5.2.1 The **resource user** must only use the **resource** in a way, and for a purpose allowed under this EOW code.
- 5.2.2 The **resource user** must comply with the stated conditions of use in Section 7 – Conditions of Use.

² If an EOW code is to be amended, cancelled or suspended, the chief executive will provide an opportunity to make written submissions by providing a proposed action notice to the registered resource producers; and publishing the proposed action notice on the chief executive's [website](http://www.des.qld.gov.au) (www.des.qld.gov.au).

6. Registered Resource Producer Requirements

Registration under this EOW code	
(6.1)	Prior to operating under this EOW code, the producer of the resource must register with the chief executive by giving a notice in the approved form ³ to become a registered resource producer for this EOW code.
Approved resource	
(6.2)	The approved resource is plasterboard which complies with <i>Requirement (6.3)</i> of this EOW code.
(6.3)	<p>The registered resource producer must not use, sell or give away the resource under this EOW code unless the resource complies with all of the following criteria and quality characteristics:</p> <ul style="list-style-type: none"> a) is generated from: <ul style="list-style-type: none"> i. manufacturing; ii. construction surplus; iii. product damaged during transport, handling and storage; and/or iv. installation off-cuts; <p>And,</p> <ul style="list-style-type: none"> b) does not contain: <ul style="list-style-type: none"> i. plastic or foil; ii. other building insulation products or products containing fibre cement; iii. laminated plasterboard; iv. tiles; v. wall paper or paint; vi. metal; vii. construction and demolition waste; and/or viii. regulated waste⁴.
Information to be provided	
(6.4)	<p>The registered resource producer must provide the following to the resource user upon establishment of an arrangement to sell or give away the resource, and annually thereafter:</p> <ul style="list-style-type: none"> a) a copy of the EOW code for Plasterboard (ENEW07618819)⁵; b) the registered resource producer's business name, ABN and address; and

³ The approved form, *Registered Resource Producer for an EOW code*, is available on the chief executive's [website](https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework) (https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework).

⁴ Heavy metals present in their natural forms within the limits allowed under relevant standards and guidelines for fertiliser are allowable under this EOW code.

⁵ This can be a physical copy, an electronic copy or a link to the chief executive's [website](https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework) (https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework) where this EOW code is available.

	c) confirmation in writing that the resource being supplied is compliant with the requirements of this EOW code.
Records	
(6.5)	The registered resource producer must keep the following records for the resource supplied to a resource user : <ul style="list-style-type: none"> a) origin of the resource (e.g. address, lot on plan and/or GPS coordinates); b) quantity (in cubic metres or tonnes) of the resource supplied; c) date of dispatch of the resource; and d) business name, ABN and address of the person receiving the resource.
(6.6)	All records required to be kept by the registered resource producer under this EOW code must be: <ul style="list-style-type: none"> a) kept by the registered resource producer for a period of not less than five (5) years; and b) provided to the chief executive upon request, in the format requested and in the time period specified.
Notification of emergencies, incidents and breaches	
(6.7)	Any breach of a requirement of this EOW code must be reported to the chief executive within 24 hours of becoming aware of the breach ⁶ .
(6.8)	Records of any breach of a requirement of this EOW code, including full details of the breach and any subsequent actions taken, must be kept and provided to the chief executive upon request, in the format requested and in the time period specified.

7. Conditions of Use

Approved resource and use	
(7.1)	The approved resource is plasterboard that complies with <i>Requirement (6.3)</i> of this EOW code and is used for the following purposes: <ul style="list-style-type: none"> a) as a feedstock in the manufacture of compost; b) as a fertiliser and/or soil conditioner; and/or c) as a coagulant in the management of sediment basins in civil construction, industry, utilities and mining.
Resource use as a feedstock in the manufacture of compost	
(7.2)	Use of the resource to manufacture compost must only be carried out at: <ul style="list-style-type: none"> a) an appropriately licensed facility in accordance with the relevant environmental authority held by the resource user; b) a facility manufacturing mushroom growing substrate; or

⁶ Reporting can be via the **chief executive's** Pollution Hotline (1300 130 372 – option 2) or via online reporting through the **chief executive's** [website](http://www.des.qld.gov.au) (www.des.qld.gov.au).

	<p>c) a site where the composting of organic material from agriculture or livestock production is conducted, if the organic material is either—</p> <p>(i) composted at the site where it was produced; or</p> <p>(ii) transported to another site, where agriculture or livestock production is carried out, and composted at that site.</p>
Resource use as a fertiliser and/or soil conditioner on agricultural land	
(7.3)	Prior to application of the resource to agricultural land , an appropriately qualified person must determine the agronomic loading rate after considering the resource composition, crop nutritional demand and soil characteristics of the site of use .
(7.4)	The resource must only be applied to the site of use at the agronomic loading rate determined by an appropriately qualified person .
Records	
(7.5)	<p>The resource user must record the following information for the resource received by the resource user under this EOW code:</p> <p>a) business name, ABN and address of the registered resource producer who supplied the resource;</p> <p>b) date the resource user received the resource; and</p> <p>c) quantity (in cubic metres or tonnes) of the resource received by the resource user.</p>
(7.6)	<p>All records required to be kept by the resource user under this EOW code must be:</p> <p>a) kept by the resource user for a period of not less than five (5) years; and</p> <p>b) provided to the chief executive upon request, in the format requested and in the time period specified.</p>
Notification of emergencies, incidents and breaches	
(7.7)	Any breach of a condition of this EOW code must be reported to the chief executive within 24 hours of becoming aware of the breach ⁷ .
(7.8)	Records of any breach of a condition of this EOW code, including full details of the breach and any subsequent actions taken, must be kept and provided to the chief executive upon request, in the format requested and in the time period specified.

8. Definitions

Words and phrases used throughout this EOW code **in bold** are defined below. Where a definition for a term used in this EOW code is sought and the term is not defined within this EOW code the definitions provided in the relevant legislation shall be used.

‘ABN’ means Australian Business Number which is a unique 11 digit number issued by the Australian Business Register and identifies a business in Australia.

⁷ Reporting can be via the **chief executive’s** Pollution Hotline (1300 130 372 – option 2) or via online reporting through the **chief executive’s** [website](http://www.des.qld.gov.au) (www.des.qld.gov.au).

‘agricultural land’ means land used for agricultural crops which includes horticulture, turf and land growing field crops or pastures.

‘appropriately licensed facility’ means a facility operating under an **environmental authority** for environmentally relevant activity 53 (Organic material processing) as authorised under the *Environmental Protection Act 1994*.

‘AS4454’ means Australian Standard 4454 Composts, soil conditioners and mulches (2012), or it’s most recent version.

‘building insulation products’ mean the building materials which form a barrier to prevent or reduce transfer of heat, sound, moisture, or electricity

‘building work’ means building, repairing, altering, underpinning (whether by vertical or lateral support), moving or demolishing a building or other structure.

‘chief executive’ means the Department of Environment and Science or its successor.

‘compost’ has the meaning in **AS4454** and is the organic product that has undergone controlled aerobic and thermophilic biological transformation through the composting process to achieve pasteurisation and reduce phytotoxic compounds, and achieved a specified level of maturity as specified in Appendix N (Determination of Maturity Index) of **AS4454**.

‘construction and demolition waste’ means —

- a) waste generated as a result of carrying out **building work** within the meaning of Section 5 of the Queensland *Building Act 1975*; and
- b) without limiting paragraph (a), includes waste generated by building, repairing, altering or demolishing infrastructure for roads, bridges, tunnels, sewage, water, electricity, telecommunications, airports, docks or rail.

‘emergency(ies)’ means a situation where either human health or safety is threatened, or serious or material **environmental harm** has been or is likely to be caused; and urgent action is necessary to protect the health or safety of **persons**, or prevent or minimise the harm, or rehabilitate or restore the environment because of the harm.

‘environmental authority’ means a permit granted under the *Environmental Protection Act 1994* for carrying out an environmentally relevant activity.

‘environmental harm’ means environmental harm as defined in Chapter 1 of the *Environmental Protection Act 1994*.

‘fibre cement’ means a composite material that is made up of sand, cement and cellulose fibres.

‘fertiliser(s)’ (as defined in *Schedule 2 – Code of Practice for the Labelling of Fertilisers and for Contaminants in Fertilisers* of the Biosecurity Regulation 2016) means a ‘substance that is manufactured, represented, supplied or used for the purpose of directly or indirectly—

- a) fertilising soil; or
- b) supplying nutrients to plants; or
- c) conditioning the soil by altering the chemical, physical or biological condition of the soil;

however, does not include a substance declared, under a Commonwealth Act or regulation, to be an agricultural chemical product or a veterinary chemical product.

‘laminated plasterboard’ means plasterboard with a layer of insulation bonded to the plasterboard.

'load' means the volume of **resource** put in or on something for conveyance or transportation, carried at one time. For example, a truck and trailer carrying the **resource** is considered to be one load, as well as multiple bins travelling by rail. Where the **resource** is transported via conveyor systems, information should be recorded on a daily basis until the transfer ceases.

'person(s)' means an individual or a corporation.

'plasterboard', also referred to as gyprock, drywall or gypsum board, is gypsum (calcium sulphate dihydrate - $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$) plaster encased in paper lining used as an interior wall covering for homes, offices and other structures.

'record(s)' include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition or requirement of this EOW code.

'registered resource producer(s)' means a **person** who produces the **resource** and has registered with the **chief executive** (in accordance with *Requirement (6.1)*) to use, sell or give away the **resource** to be used under this EOW code.

'regulated waste' means **regulated waste** as defined in Chapter 5 of the Environmental Protection Regulation 2019.

'resource(s)' means waste **plasterboard** that meets the criteria and quality characteristics in *Requirement (6.3)* of this EOW code.

'resource user(s)' means a **person** who has notified the **chief executive** (in accordance with *Condition (7.1)*) to receive the **resource** from a **registered resource producer** and uses the **resource** for a use approved under this EOW code and does so in such a manner which does not cause any **environmental harm**.

'soil conditioner' means a substance added to soil to improve the growing conditions for plant roots by providing nutritional requirements.

- END -

Appendix A - General obligation for all persons

This appendix is not intended to provide a comprehensive assessment of all obligations under Queensland law. It provides some general information and **persons** are encouraged to familiarise themselves with all requirements related to their specific operation.

Responsibilities under the *Environmental Protection Act 1994*

All **persons** within the State of Queensland must also meet their obligations under the *Environmental Protection Act 1994*, and the regulations made under that Act.

General environmental duty

Section 319 of the *Environmental Protection Act 1994* states that we all have a general environmental duty. This means that we are all responsible for the actions we take that affect the environment. We must not carry out any activity that causes or is likely to cause **environmental harm** unless we take all reasonable and practicable **measures** to prevent or minimise the harm. To decide what meets your general environmental duty, you need to consider:

- the nature of the harm or potential harm
- the sensitivity of the receiving environment
- the current state of technical knowledge for the activity
- the likelihood of successful application of the different **measures** to prevent or minimise **environmental harm** that might be taken
- the financial implications of the different **measures** as they would relate to the type of activity.

It is not an offence not to comply with the general environmental duty. However, maintaining your general environmental duty is a defence against the following acts:

- (a) an act that causes serious or material environmental harm or an environmental nuisance
- (b) an act that contravenes a noise standard
- (c) a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG.

More information is available on the Department of Environment and Science website www.des.qld.gov.au.

Some relevant offences under the *Environmental Protection Act 1994*

Causing serious or material environmental harm (sections 437-39)

Material environmental harm is when the harm is not trivial or negligible in nature. Serious environmental harm is harm that is irreversible, of a high impact or widespread, or that is caused to an area of high conservation value or special significance. Damages, or costs required to rehabilitate the environment, of over \$5000 constitutes material environmental harm and damages, or costs required to rehabilitate the environment, of over \$50,000 constitutes serious environmental harm.

Serious or material environmental harm excludes environmental nuisance.

Causing environmental nuisance (section 440)

Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke. It may also include an unhealthy, offensive or unsightly condition because of contamination.

Depositing a prescribed water contaminant in waters (section 440ZG)

Prescribed water contaminants include a wide variety of contaminants listed in Schedule 10 of the Environmental Protection Regulation 2019.

It is your responsibility to ensure that prescribed water contaminants are not left in a place where they may or do enter a waterway, the ocean or a stormwater drain. This includes making sure that stormwater falling on or running across your site does not leave the site contaminated. Where stormwater contamination occurs you must ensure that it is treated to remove contaminants. You should also consider where and how you store material used in your processes onsite to reduce the chance of water contamination.

Placing a contaminant where environmental harm or nuisance may be caused (section 443)

A **person** must not cause or allow a contaminant to be placed in a position where it could reasonably be expected to cause serious or material environmental harm or environmental nuisance.

Some relevant offences under the *Waste Reduction and Recycling Act 2011*

Littering (section 103)

Litter is any domestic or commercial waste and any material a **person** might reasonably believe is refuse, debris or rubbish. Litter can be almost any material that is disposed of incorrectly. Litter includes cigarette butts and drink bottles dropped on the ground, fast food wrappers thrown out of the car window, poorly secured material from a trailer. However, litter does not include any gas, dust, smoke or material emitted or produced during, or because of, the normal operations of a building, manufacturing, mining or primary industry.

Illegal dumping of waste (section 104)

Illegal dumping is the dumping of large volumes of litter (200 litres or more) at a place.

Failure to comply with EOW code (section 158)

A **registered resource producer** for an EOW code must not use, sell or give away the **resource** unless the **registered resource producer** complies with the requirements of the EOW code relating to the **resource**.

A **person**, other than a **registered resource producer**, must not use a **resource** in a way, or for a purpose, that does not comply with an EOW code for the **resource**.

Approved:

19 February 2024

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