



Queensland

Environment Legislation Amendment and Repeal Regulation (No. 1) 2014

Subordinate Legislation 2014 No. 198

made under the

Environmental Protection Act 1994
Waste Reduction and Recycling Act 2011

Contents

		Page
Part 1	Preliminary	
1	Short title	6
Part 2	Amendment of Environmental Protection Regulation 2008	
2	Regulation amended	6
3	Insertion of new ch 5, pt 9 and ch 5A.	6
	Part 9 Waste tracking	
	Division 1 Preliminary	
	81C Waste transportation to which this part applies	6
	81D Waste handlers.	8
	Division 2 Prescribed matters for giving of information	
	81E Prescribed information	9
	81F Prescribed way of giving information	9
	81G Prescribed time for giving information	9
	Division 3 Obligations of waste handlers	
	Subdivision 1 Transportation within Queensland	
	81H Application of sdiv 1	10
	81I Responsibilities of generator	10
	81J Responsibilities of transporter	11

Contents

81K	Responsibilities of receiver	11
81L	Responsibilities of waste handler acting in more than 1 capacity	12
Subdivision 2 Transportation into Queensland		
81M	Application of sdiv 2	13
81N	Responsibilities of transporter	13
81O	Responsibilities of receiver	14
81P	Responsibilities of waste handler acting in more than 1 capacity	15
Subdivision 3 Transportation out of Queensland		
81Q	Application of sdiv 3	15
81R	Responsibilities of generator	16
81S	Responsibilities of transporter	16
81T	Responsibilities of waste handler acting in more than 1 capacity	17
Division 4 Miscellaneous		
81U	Application of provisions to agents	17
81V	Giving information to administering authority in prescribed form	18
81W	Approval of ways of giving information to administering authority	18
81X	Consignment numbers for waste transported into Queensland	21
81Y	Exemptions	22
81Z	Emergencies	24
81ZA	Trackable waste to be given only to licensed transporter	24
81ZB	Generator identification number	25
Chapter 5A Waste management by local governments		
Part 1 Preliminary		
81ZC	Application of ch 5A	25
81ZD	References to local government	26
81ZE	Meaning of serviced premises	26
Part 2 Waste management in local government areas		
Division 1 Storage of general waste		
81ZF	Owner or occupier of relevant premises to supply waste containers	27
81ZG	Requirements for storing general waste in waste containers	28

	81ZH	General requirements for keeping waste containers at serviced premises	29
	81ZI	Other requirements for storing general waste at particular serviced premises	30
	Division 2	Removal of general waste	
	81ZJ	Local government may give notice about removal of general waste	32
	81ZK	Depositing or disposal of general waste from premises other than serviced premises	32
	Division 3	Storage and treatment of industrial waste	
	81ZL	Requirements for storing industrial waste	33
	81ZM	Requirement to treat industrial waste for disposal . . .	34
	Division 4	Compliance notices	
	81ZN	Authorised person may give notice to comply	35
	Part 3	Receiving and disposing of waste	
	81ZO	Unlawful disposal of waste at waste facility	36
	81ZP	Restrictions on burning waste at waste facility	37
	81ZQ	Restrictions on use of waste facility	37
	81ZR	Waste transporter to comply with directions and give information	37
	Part 4	Devolution of powers	
	81ZS	Devolution—waste management in local government areas—Act, s 514.	38
	81ZT	Devolution—receiving and disposing of waste—Act, s 514	38
	Part 5	Expiry	
	81ZU	Expiry	38
4		Amendment of s 110 (Original decisions and dissatisfied persons)	39
5		Insertion of new ch 9, pt 9	40
	Part 9	Transitional provision for Environment Legislation Amendment and Repeal Regulation (No. 1) 2014	
	176	Compliance notice given under repealed regulation .	41
6		Amendment of sch 2 (Prescribed ERAs and aggregate environmental scores)	41
7		Insertion of new schs 2E to 2H.	41
	Schedule 2E	Trackable waste and waste codes	
	Schedule 2F	Prescribed information for waste tracking	
	1	Generator	47
	2	Transporter	48

Contents

	3	Receiver	49
		Schedule 2G National environment protection (movement of controlled waste between States and Territories) measure, schedule A, list 2	
		Schedule 2H Disposal and treatment codes for waste tracking	
8		Amendment of sch 7 (Regulated waste and waste that is not regulated waste)	58
9		Amendment of sch 12 (Dictionary)	58
Part 3		Amendment of Waste Reduction and Recycling Regulation 2011	
10		Regulation amended	66
11		Insertion of new s 7A	66
	7A	Expiry	66
12		Amendment of s 39 (Prescribed planning entity—Act, s 139) . . .	66
14		Insertion of new pts 5B and 5C	67
	Part 5B	Management of clinical and related wastes	
	41X	Segregation of waste	67
	41Y	Design requirements for waste containers	68
	41Z	Giving waste to another person for transport, storage, treatment or disposal	68
	41ZA	Disposal of sharps	69
	41ZB	Storage area for clinical or related waste	70
	41ZC	Storage of clinical or related waste.	70
	41ZD	Treatment and disposal of clinical or related waste . .	71
	Part 5C	Management of polychlorinated biphenyls (PCBs)	
	Division 1	Preliminary	
	41ZE	Definitions for pt 5C	71
	41ZF	Types of PCB material	72
	41ZG	Deciding if material or equipment is PCB-free	73
	Division 2	Treatment of PCB material	
	41ZH	Treatment of PCB material only at licensed treatment facilities.	74
	Division 3	Disposal of PCB waste	
	41ZI	Waste that is scheduled PCB material must be sent for treatment	74
	41ZJ	Prohibition on disposal of waste that is scheduled PCB material and liquid PCB waste	75

	Division 4	Duties of occupier of premises with scheduled PCB material	
	41ZK	Application of div 4	76
	41ZL	Notice to chief executive	76
	41ZM	Emergency plan	77
	Division 5	Equipment containing PCB material	
	41ZN	Use of equipment containing concentrated PCB material	78
	41ZO	Exemption permitting use of equipment containing concentrated PCB material	78
	41ZP	Use of equipment containing scheduled PCB material	79
	41ZQ	Dealing with equipment that is no longer used	80
15		Insertion of new s 41ZR	81
	41ZR	Disposal ban waste—Act, s 100	81
16		Amendment of s 42A (Prescribed provisions for Act, s 245)	81
17		Insertion of new schs 7A to 7C	81
	Schedule 7A	Design requirements for waste containers	
	Schedule 7B	Treatment and disposal of clinical and related waste	
	Schedule 7C	Disposal ban waste	
18		Amendment of sch 9 (Dictionary)	84
Part 4	Repeal		
19		Repeal of regulation	87

[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Environment Legislation Amendment and Repeal Regulation (No. 1) 2014*.

Part 2 Amendment of Environmental Protection Regulation 2008

2 Regulation amended

This part amends the *Environmental Protection Regulation 2008*.

3 Insertion of new ch 5, pt 9 and ch 5A

Chapter 5, after section 81B—

insert—

Part 9 Waste tracking

Division 1 Preliminary

81C Waste transportation to which this part applies

- (1) This part applies to the transportation of regulated waste of a type stated in schedule 2E (*trackable waste*).
- (2) However, this part does not apply to—
 - (a) the non-commercial transportation of less than 250kg of trackable waste; or

- (b) the transportation of trackable waste in a pipeline; or
- (c) the transportation of trackable waste under an exemption given by the administering authority under section 81Y; or
- (d) the transportation of trackable waste in a container if—
 - (i) the amount of trackable waste is not more than 5% of the capacity of the container; and
 - (ii) the container is being transported to a place to be refilled with the same substance as the waste, without undergoing a process before the refilling; or
- (e) the transportation of power station fly ash to a place for use in the treatment of waste in a way that involves combining the waste with the ash; or
- (f) the transportation of trackable waste to an accredited laboratory for analysis; or
- (g) the transportation of trackable waste in an emergency, if the transportation is to protect the environment, human health or property; or
- (h) the transportation of chemicals from a farm if—
 - (i) the chemicals are transported by—
 - (A) the owner or occupier of the farm; or
 - (B) another person for free; and
 - (ii) the chemicals are being transported to a place that disposes of agricultural or

[s 3]

- veterinary chemicals in accordance with a product stewardship; or
- (i) the transportation of trackable waste in accordance with a product recall—
 - (i) by the Australian Pesticides and Veterinary Medicines Authority; or
 - (ii) reported to Food Standards Australia New Zealand; or
 - (iii) by the Therapeutic Goods Administration; or
 - (j) the transportation of trackable waste to a place for use as stock food; or
 - (k) the transportation of trackable waste to a farm for use as a soil conditioner or fertiliser.
- (3) In this section—
- accredited laboratory* means a laboratory accredited by the National Association of Testing Authorities.

81D Waste handlers

- (1) If there is a transportation of trackable waste to which this part applies, the following persons are the waste handlers for the waste—
 - (a) the person (the *generator*) from whom the trackable waste is transported (whether the person generated the waste or received it from someone else);
 - (b) the person (the *transporter*) who transports the waste;
 - (c) the person (the *receiver*) to whom the waste is transported.

- (2) If a person acts in more than 1 of the capacities mentioned in subsection (1), the person must comply with this part for each of the capacities.

Example—

A person generates a load of trackable waste and transports it to someone else for treatment. The first person must comply with this part, in relation to the load, as both the generator and transporter of the waste.

Division 2 Prescribed matters for giving of information

81E Prescribed information

For this part, the *prescribed information* that a waste handler must record, or give to the administering authority or another waste handler, is the relevant information stated in schedule 2F.

81F Prescribed way of giving information

For this part, the *prescribed way* of giving prescribed information about waste to the administering authority is—

- (a) giving the information in the prescribed form; or
- (b) giving the information in another way the administering executive has approved under section 81W.

81G Prescribed time for giving information

For this part, the *prescribed time* for giving prescribed information about waste to the administering authority is—

- (a) if the information is given in the prescribed form—7 days; or

[s 3]

- (b) if the information is given in another way approved under section 81W—the time stated in the approval as the prescribed time for giving the information.

Division 3 Obligations of waste handlers

Subdivision 1 Transportation within Queensland

81H Application of sdiv 1

This subdivision applies to the transportation of trackable waste from a generator in Queensland to a receiver in Queensland.

81I Responsibilities of generator

- (1) When the generator gives the waste to the transporter, the generator must—
 - (a) give to the transporter the prescribed information about the waste in the prescribed form; and
 - (b) record the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (2) The generator must give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed time after giving the waste to the transporter.

Maximum penalty—20 penalty units.

- (3) The generator must keep the record mentioned in subsection (1)(b) for at least 5 years.

Maximum penalty—20 penalty units.

81J Responsibilities of transporter

- (1) While transporting the waste in Queensland, the transporter must carry a document containing the information received from the generator under section 81I(1)(a).

Maximum penalty—20 penalty units.

- (2) When the transporter gives the waste to the receiver, the transporter must—

(a) give to the receiver the prescribed information about the waste; and

(b) record the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (3) Within 7 days of becoming aware of a discrepancy in information received from the generator under section 81I(1)(a), the transporter must give written notice of the discrepancy to the administering authority.

Maximum penalty—20 penalty units.

- (4) The transporter must keep the record mentioned in subsection (2)(b) for at least 5 years.

Maximum penalty—20 penalty units.

81K Responsibilities of receiver

- (1) When the transporter gives the waste to the receiver, the receiver must record the prescribed information about the waste.

Maximum penalty—20 penalty units.

[s 3]

- (2) The receiver must give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed time after receiving the waste from the transporter.

Maximum penalty—20 penalty units.

- (3) Within 7 days of becoming aware of a discrepancy in the information received from the transporter under section 81J(2)(a), the receiver must give written notice of the discrepancy to the administering authority.

Maximum penalty—20 penalty units.

- (4) The receiver must keep the record mentioned in subsection (1) for at least 5 years.

Maximum penalty—20 penalty units.

81L Responsibilities of waste handler acting in more than 1 capacity

- (1) If a person is both the generator and the transporter—

- (a) section 81I(1)(a) does not apply; and
- (b) section 81I otherwise applies as if a reference to the generator giving the waste to the transporter were a reference to the person starting the transportation; and
- (c) section 81J(1) applies as if a reference to the information received from the generator were a reference to the information recorded by the person; and
- (d) section 81J(3) does not apply.

- (2) If a person is both the transporter and the receiver—

- (a) section 81J(2)(a) does not apply; and

- (b) section 81K(3) does not apply; and
- (c) sections 81J and 81K otherwise apply as if a reference to the transporter giving the waste to the receiver were a reference to the person completing the transportation of the waste.

Subdivision 2 Transportation into Queensland

81M Application of sdiv 2

This subdivision applies to the transportation of trackable waste from a generator outside Queensland to a receiver in Queensland.

81N Responsibilities of transporter

- (1) The transporter must not transport the waste into Queensland unless the administering executive has, under section 81X, assigned a consignment number to—
 - (a) the load being transported; or
 - (b) the loads being transported over a 12-month period.Maximum penalty—20 penalty units.
- (2) Before transporting the waste into Queensland, the transporter must obtain from the generator the information about the waste mentioned in schedule 2F, section 1(2), other than the generator's identification number and a unique identifier for the load.
- (3) While transporting the waste in Queensland, the transporter must carry a document—

[s 3]

- (a) stating the consignment number, if any, assigned to the load by the administering executive; and
- (b) containing the information mentioned in subsection (2).

Maximum penalty—20 penalty units.

- (4) When the transporter gives the waste to the receiver, the transporter must—
 - (a) give to the receiver the prescribed information about the waste; and
 - (b) record the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (5) Within 7 days of becoming aware of a discrepancy in information obtained under subsection (2), the transporter must give written notice of the discrepancy to the administering authority.

Maximum penalty—20 penalty units.

- (6) The transporter must keep the record mentioned in subsection (4)(b) for at least 5 years.

Maximum penalty—20 penalty units.

810 Responsibilities of receiver

- (1) When the transporter gives the waste to the receiver, the receiver must record the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (2) The receiver must give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed time after receiving the waste from the transporter.

Maximum penalty—20 penalty units.

- (3) Within 7 days of becoming aware of a discrepancy in the information received from the transporter under section 81N(4)(a), the receiver must give written notice of the discrepancy to the administering authority.

Maximum penalty—20 penalty units.

- (4) The receiver must keep the record mentioned in subsection (1) for at least 5 years.

Maximum penalty—20 penalty units.

81P Responsibilities of waste handler acting in more than 1 capacity

If a person is both the transporter and the receiver—

- (a) section 81N(4)(a) does not apply; and
- (b) section 81O(3) does not apply; and
- (c) sections 81N and 81O otherwise apply as if a reference to the transporter giving the waste to the receiver were a reference to the person completing the transportation of the waste.

Subdivision 3 Transportation out of Queensland

81Q Application of sdiv 3

This subdivision applies to the transportation of trackable waste from a generator in Queensland to a receiver outside Queensland.

[s 3]

81R Responsibilities of generator

- (1) When the generator gives the waste to the transporter, the generator must—
 - (a) give to the transporter the prescribed information about the waste; and
 - (b) record the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (2) The generator must give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed time after giving the waste to the transporter.

Maximum penalty—20 penalty units.

- (3) The generator must keep the record mentioned in subsection (1)(b) for at least 5 years.

Maximum penalty—20 penalty units.

81S Responsibilities of transporter

- (1) While transporting the waste in Queensland, the transporter must carry a document containing the information received from the generator under section 81R(1)(a).

Maximum penalty—20 penalty units.

- (2) Within 7 days of becoming aware of a discrepancy in information received from the generator under section 81R(1)(a), the transporter must give written notice of the discrepancy to the administering authority.

Maximum penalty—20 penalty units.

81T Responsibilities of waste handler acting in more than 1 capacity

If a person is both the generator and the transporter—

- (a) section 81R(1)(a) does not apply; and
- (b) section 81R otherwise applies as if a reference to the generator giving the waste to the transporter were a reference to the person starting the transportation of the waste; and
- (c) section 81S(1) applies as if a reference to the information received from the generator were a reference to the information recorded by the person; and
- (d) section 81S(2) does not apply.

Division 4 Miscellaneous

81U Application of provisions to agents

- (1) This section applies if—
 - (a) a waste handler is required by a provision of division 3 (the *waste tracking provision*) to do something; and
 - (b) the waste handler enters a written agreement with another person (the *agent*) to do the thing for the waste handler; and
 - (c) the agreement states the agent is aware of subsection (3).
- (2) It is a defence to a charge of contravening the waste tracking provision for the waste handler to show—
 - (a) the waste handler entered the agreement with the agent; and

[s 3]

- (b) the contravention was directly caused by a failure of the agent to do something in compliance with the agreement.
- (3) The waste tracking provision applies to the agent, to the extent the agent has agreed to do something required by the provision, as if a reference in the provision to the waste handler were a reference to the agent.

81V Giving information to administering authority in prescribed form

- (1) The chief executive must prepare forms (each a *prescribed form*) for use in giving information to the administering authority under division 3.
- (2) Each form must be marked with a different number (consisting of numbers, letters or both) for use as a unique identifier.
- (3) The chief executive must make the forms available to the public, whether published on the department's website or otherwise, on payment of a reasonable fee.
- (4) If a person obtains a prescribed form from the chief executive and uses it to give information to the administering authority under division 3 about the transportation of trackable waste, the number marked on the form under subsection (2) is the unique identifier for the load of waste.

81W Approval of ways of giving information to administering authority

- (1) A person may apply to the administering executive for approval of a particular way of giving prescribed information to the administering authority under division 3.

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- (2) The applicant must, within the time required by the administering executive—
 - (a) give the administering executive the information the executive reasonably requires to decide the application; and
 - (b) pay the reasonable fee required by the executive for assessing the application.
 - (3) If the applicant does not comply with subsection (2), the application lapses.
 - (4) The administering executive may approve the way of giving prescribed information if the executive is satisfied—
 - (a) it is a reliable, effective, timely and efficient way for the information to be given to the administering authority; and
 - (b) the information will be secure while it is being given; and
 - (c) the information will be given in a form that enables the authority to access, record and otherwise deal with the information; and
 - (d) it includes a system for assigning an appropriate unique identifier (consisting of numbers, letters or both) to each transportation of trackable waste for which information is given; and
 - (e) it would otherwise be an appropriate way for the information to be given.

Example—

The administering executive may approve a system under which a person transmits information from the person's database direct to the administering authority in a particular electronic form. Under the system, the information given about the transportation of a load includes a unique identifier consisting of the first 3 letters of the transporter's name, the date and the number of the load being transported on that day.

[s 3]

- (5) An approval under subsection (4) may be given on reasonable conditions.
- (6) After the administering executive decides the application, the administering executive must give the applicant a written notice stating the following—
 - (a) whether the application is approved or refused;
 - (b) if the application is approved—
 - (i) any conditions of the approval; and
 - (ii) the prescribed time for giving the information;
 - (c) if the application is refused—the reasons for the decision;
 - (d) the review of appeal details for the decision.
- (7) If the administering executive has not decided the application by the due day, the application is taken to have been refused.
- (8) To remove doubt, it is declared that the administering executive may approve, under this section, a way of giving information, even though no-one has applied for the approval.
- (9) In this section—

due day, for deciding an application, means—

 - (a) the sixtieth day after the application is made, not including a day the administering executive asks for information under subsection (2)(a), a day the applicant gives the requested information, and any days in between; or
 - (b) any later day agreed between the administering executive and the applicant.

81X Consignment numbers for waste transported into Queensland

- (1) A person may apply to the administering executive for a consignment number for—
 - (a) a load of trackable waste to be transported into Queensland from another State; or
 - (b) loads of trackable waste to be transported into Queensland from another State over a 12-month period.
- (2) The application must be in the approved form.
- (3) The applicant must give to the administering executive any of the following information the executive requests—
 - (a) information mentioned in schedule 2F, section 1, about the load;
 - (b) information the executive reasonably requires to decide the application.
- (4) The administering executive must approve the application for a consignment number if the executive is satisfied—
 - (a) the intended transporter holds, or is acting under, an environmental authority for transporting the waste to the intended receiver; and
 - (b) the intended receiver holds, or is acting under, an environmental authority for carrying out the intended treatment of the waste.
- (5) After the administering executive decides the application, the administering executive must give the applicant a written notice stating the following—
 - (a) whether the application is approved or refused;

[s 3]

- (b) if the application is approved—the consignment number assigned to the load or loads of trackable waste;
 - (c) if the application is refused—
 - (i) the reasons for the decision; and
 - (ii) the review or appeal details for the decision.
- (6) If the administering executive has not decided the application by the due day, the executive is taken to have refused the application.
- (7) In this section—
- due day***, for deciding an application, means—
- (a) the tenth business day after the application is made, not including a day the administering executive asks for information under subsection (3), a day the applicant gives the requested information, and any days in between; or
 - (b) any later day agreed between the administering executive and the applicant.
- intended treatment***, for trackable waste to be transported into Queensland, means the way the waste is to be treated, disposed of, stored or otherwise dealt with by the receiver.

81Y Exemptions

- (1) A person may apply to the administering authority for an exemption for the transportation of trackable waste to which this part applies.

Note—

See section 81C for the trackable waste to which this part applies.

-
- (2) The person must give the administering authority the information the authority reasonably requires to decide the application.
 - (3) The administering authority may grant the exemption if the authority is satisfied the waste does not show any environmentally significant characteristics.

Example—

A person operates a food processing facility. Waste from the facility includes filter cake (a trackable waste), which the person sends away for disposal at the end of each week. The filter cake derives only from the washing of vegetables and consists almost entirely of sand and dirt. Analysis of the filter cake establishes that it does not show any environmentally significant characteristics.

The administering authority decides to grant the person an exemption for the transportation of each of these weekly loads. The exemption is given on conditions about the process that generates the filter cake, to ensure it will not show any environmentally significant characteristics.

- (4) An exemption may be given on reasonable conditions.
- (5) After the administering executive decides the application, the administering executive must give the applicant a written notice stating the following—
 - (a) whether or not the exemption is granted;
 - (b) if the exemption is granted—any conditions of the exemption;
 - (c) if the exemption is refused—the reasons for the decision;
 - (d) the review or appeal details for the decision.
- (6) If the administering authority has not decided the application for exemption by the due day, the authority is taken to have refused the application.

[s 3]

- (7) In this section—
- due day*, for deciding an application, means—
- (a) the thirtieth day after the application is made, not including a day the administering authority asks for information it reasonably requires to decide the application, a day the applicant gives the requested information, and any days in between; or
 - (b) any later day agreed between the administering authority and the applicant.

81Z Emergencies

If a person is charged with an offence against a provision of this part, it is a defence to the charge for the person to prove the act or omission constituting the failure to comply with the provision—

- (a) was carried out, or happened, in the exercise of a power under chapter 9, part 4 of the Act; or
- (b) was carried out, or happened, under an emergency direction; or
- (c) was reasonably necessary because of an emergency.

81ZA Trackable waste to be given only to licensed transporter

- (1) A generator of trackable waste must not give the waste to another person to transport it for a fee or reward, or in a load of more than 250kg, in a vehicle unless the other person holds, or is acting under, an environmental authority for transporting the waste in the vehicle.

Maximum penalty—20 penalty units.

- (2) If a person is charged with an offence under subsection (1), it is a defence to the charge for the person to prove there were reasonable grounds for believing the other person had an environmental authority for transporting the waste in the vehicle.

81ZB Generator identification number

On application by a person in the approved form, the administering executive must assign the person a generator identification number.

Note—

The generator identification number is mentioned in the prescribed information for a generator under schedule 2F, section 1.

Chapter 5A Waste management by local governments

Part 1 Preliminary

81ZC Application of ch 5A

This chapter applies to a local government area unless—

- (a) the local government for the area makes a local law about waste management for the area; and
- (b) the local law states it replaces this chapter.

[s 3]

Note—

Section 81ZU states that this chapter expires on 1 September 2016.

81ZD References to local government

In this chapter, a reference to a local government in the context of dealing with waste produced at relevant premises is a reference to the local government for the local government area in which the relevant premises is situated.

81ZE Meaning of *serviced premises*

Relevant premises in a local government area are *serviced premises* if—

- (a) the relevant premises are in an area designated by the local government under the *Waste Reduction and Recycling Regulation 2011*, section 7 as an area in which the local government may conduct general waste collection; or
- (b) the local government has required the owner or occupier of the relevant premises to arrange for removal of general waste from the relevant premises.

Part 2 Waste management in local government areas

Division 1 Storage of general waste

81ZF Owner or occupier of relevant premises to supply waste containers

- (1) The owner or occupier of relevant premises in a local government area must—
 - (a) subject to subsection (2), supply enough standard general waste containers at the relevant premises to contain the general waste produced at the premises; or
 - (b) if required by the local government, supply at the relevant premises, enough waste containers, other than standard general waste containers, to contain the general waste produced at the relevant premises.

Examples of ways a local government may require waste containers for paragraph (b)—

by a local law, resolution of the local government, development approval for the premises

Maximum penalty—20 penalty units.

- (2) However, subsection (1)(a) does not apply if the local government supplies to the relevant premises the number of standard general waste containers the local government reasonably considers is required at the relevant premises.
- (3) If the local government supplies a standard general waste container to relevant premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the owner or occupier of the relevant premises to the local government.

[s 3]

- (4) However, subsection (3) does not prevent a local government from supplying a standard general waste container to relevant premises without cost to the owner or occupier of the relevant premises.

81ZG Requirements for storing general waste in waste containers

- (1) The occupier of relevant premises must—
- (a) store general waste at the relevant premises in a standard general waste container or, if required by the local government, in another type of waste container; and

Examples of ways a local government may require waste to be stored in another type of waste container—

by a local law, resolution of the local government, development approval for the premises

- (b) keep each waste container at the relevant premises clean and in good repair; and
- (c) ensure that each waste container at the relevant premises is securely covered, except when the waste is being placed in, or removed from, the container or the container is being cleaned.

Maximum penalty—20 penalty units.

- (2) A person must not—
- (a) place any of the following in a waste container—
- (i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container;
- (ii) material that is smouldering or aflame;

- (iii) matter or a thing that is alive; or
- (b) remove or disturb the cover of a waste container, except when placing waste in or cleaning the container; or
- (c) use or damage a waste container so that it is not weatherproof or serviceable or can not be securely covered; or
- (d) disturb or otherwise interfere with the contents of a waste container.

Maximum penalty—20 penalty units.

- (3) The occupier of the relevant premises must not allow a person to place a thing in a waste container at the premises in contravention of subsection (2)(a).

Maximum penalty—20 penalty units.

- (4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

81ZH General requirements for keeping waste containers at serviced premises

- (1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—
 - (a) if the local government requires the container be kept at a particular place at the premises—at the place; or

Examples of ways a local government may require waste containers to be kept at a particular place—

by a local law, resolution of the local government, development approval for the premises

- (b) otherwise—at ground level close to the rear alignment of a building at the premises.

[s 3]

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not prevent the occupier of the serviced premises from placing a waste container in a place outside the premises for the collection of general waste from the container, if—
- (a) the local government has arranged to collect waste from the container at the place; and
 - (b) the container is in the place for no longer than—
 - (i) the period, if any, allowed under a local law of the local government; or
 - (ii) is otherwise reasonably appropriate before and after the collection.

Example of a place outside serviced premises—

the kerb adjacent to the serviced premises

- (3) If a local government has arranged for the collection of general waste from a waste container at the serviced premises, the occupier of the premises must ensure there is unobstructed access to the container for removal of the waste.

Maximum penalty—20 penalty units.

- (4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

81ZI Other requirements for storing general waste at particular serviced premises

- (1) This section applies to any of the following persons (each a *prescribed person*) for serviced premises, other than a single detached dwelling—
- (a) the owner or occupier of the premises;

- (b) the registered suitable operator for a prescribed environmentally relevant activity carried out at the premises;
 - (c) the holder of an environmental authority for a mining activity or petroleum activity carried out at the premises.
- (2) The prescribed person must, if required by the local government, ensure each of the following is supplied at the premises—
- (a) either—
 - (i) an elevated stand at a level required by the local government for holding all waste containers; or
 - (ii) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;
 - (b) a hose cock and hose in the vicinity of the stand or paved area;
 - (c) a suitable enclosure for the area where the waste containers are kept.

Examples of ways a local government may require a prescribed person to comply with subsection (2)—

by a local law, resolution of the local government, development approval

Maximum penalty for subsection (2)—20 penalty units.

Division 2 Removal of general waste

81ZJ Local government may give notice about removal of general waste

- (1) This section applies to a local government that has arranged for the removal of general waste produced at a relevant premises.
- (2) The local government may give the occupier of the relevant premises a written notice stating—
 - (a) the days on which the waste is to be collected; and
 - (b) where the waste container is to be placed for collection of the waste (the *designated location*); and
 - (c) the time by which the waste container is to be placed in the designated location for collection of the waste.

81ZK Depositing or disposal of general waste from premises other than serviced premises

- (1) This section applies if general waste is produced at a relevant premises, other than serviced premises.
- (2) The local government may—
 - (a) give a written approval to the owner or occupier of the relevant premises for depositing or disposing of the waste; and
 - (b) impose conditions on the approval, including, for example, conditions about—
 - (i) the place for depositing or disposing of the waste; or
 - (ii) the method of depositing or disposing of the waste.

- (3) A person must not deposit or dispose of the waste unless the person deposits or disposes of the waste—
- (a) at a waste facility in accordance with part 3; or
 - (b) in accordance with—
 - (i) an approval under subsection (2) for disposal of the waste; and
 - (ii) if the approval has been given on conditions, the conditions of the approval.

Maximum penalty for subsection (3)—20 penalty units.

Division 3 Storage and treatment of industrial waste

81ZL Requirements for storing industrial waste

- (1) The occupier of relevant premises where there is industrial waste must, if required by the local government—
- (a) supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing a nuisance; and
 - (b) keep the waste containers at a place at the premises the local government requires; and
 - (c) keep each waste container clean and in good repair.

[s 3]

Examples of ways a local government may require compliance with subsection (1)—

by a local law, resolution of the local government, development approval

Maximum penalty—20 penalty units.

- (2) If the occupier does not supply at the relevant premises the number of industrial waste containers required by the local government for subsection (1)(a), the local government may supply industrial waste containers at the premises.
- (3) If a local government supplies an industrial waste container to relevant premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.
- (4) In this section—

industrial waste container means a waste container of a type approved by the local government for storing industrial waste at premises within the local government's area.

81ZM Requirement to treat industrial waste for disposal

The occupier of relevant premises where there is industrial waste must, if required by the local government, treat the waste to a standard approved by the local government for disposal of the waste at a waste facility.

Examples of ways a local government may require an occupier to treat industrial waste for disposal—

by a local law, resolution of the local government, development approval for the premises

Maximum penalty—40 penalty units.

Division 4 Compliance notices

81ZN Authorised person may give notice to comply

- (1) If an authorised person believes on reasonable grounds that a person (an *affected person*) has contravened division 1, 2 or 3, the authorised person may give the affected person a written notice about the contravention.
- (2) The notice must state—
 - (a) the act or omission comprising the contravention; and
 - (b) the action the affected person must take to rectify the alleged contravention; and
 - (c) the day by which the affected person must take the action.
- (3) The stated day must be at least 28 days after the notice is given.
- (4) If an affected person is given a notice under subsection (1), the person must comply with the notice unless the person has a reasonable excuse for not complying with it.

Maximum penalty—10 penalty units.
- (5) If an affected person is given a notice under subsection (1) in relation to an alleged contravention of division 1, 2 or 3, the person can be prosecuted for the contravention only if the person does not comply with the notice.
- (6) However, this section does not require an authorised person to give a person a notice under subsection (1) before the person may be prosecuted for a contravention of division 1, 2 or 3.

[s 3]

Part 3 Receiving and disposing of waste

81ZO Unlawful disposal of waste at waste facility

- (1) A person must not deposit the following waste at a waste facility—
- (a) liquid or semiliquid waste;
 - (b) hot ash;
 - (c) material that is smouldering or aflame;
 - (d) material that can spontaneously combust;
 - (e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;
 - (f) an explosive;
 - (g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to waste deposited with the consent of—
- (a) the person who—
 - (i) is the registered suitable operator for the facility; or
 - (ii) holds an environmental authority for the facility; or
 - (b) the person in charge of the facility.

81ZP Restrictions on burning waste at waste facility

A person must not set fire to, or burn, waste at a waste facility other than—

- (a) under an environmental authority; or
- (b) under a development condition of a development approval; or
- (c) under the *Fire and Emergency Services Act 1990*.

Maximum penalty—20 penalty units.

81ZQ Restrictions on use of waste facility

(1) A person must not, without the consent of a waste facility's owner or operator—

- (a) enter the facility other than to deposit waste; or
- (b) remain on the facility after depositing waste; or
- (c) interfere with waste at, or remove waste from, the facility.

Maximum penalty—10 penalty units.

(2) Subsection (1) does not apply to—

- (a) the facility's owner or operator; or
- (b) an authorised person.

81ZR Waste transporter to comply with directions and give information

(1) This section applies to a person who transports waste to a waste facility.

(2) The person must—

[s 3]

- (a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by the facility's owner or operator; and
- (b) deal with the waste in accordance with reasonable instructions given by the person in charge of the facility; and
- (c) if asked by the facility's owner or operator—give information to the owner or operator about the type and amount of waste being delivered.

Maximum penalty—10 penalty units.

Part 4 Devolution of powers

81ZS Devolution—waste management in local government areas—Act, s 514

The administration and enforcement of part 2 is devolved to each local government for its local government area.

81ZT Devolution—receiving and disposing of waste—Act, s 514

The administration and enforcement of part 3, to the extent it relates to a waste facility owned, operated or otherwise controlled by a local government, is devolved to that local government.

Part 5 Expiry

81ZU Expiry

This chapter expires on 1 September 2016.

4 Amendment of s 110 (Original decisions and dissatisfied persons)

(1) Section 110(1)—

omit, insert—

(1) Chapter 11, part 3 of the Act applies to the following decisions as if the decision were a decision mentioned in schedule 2, part 2 of the Act—

(a) the following decisions of the administering executive—

(i) a decision, under section 81W, to refuse a way of giving information;

(ii) a decision, under section 81W, to approve a way of giving information subject to conditions;

(iii) a decision, under section 81X, to refuse an application for a consignment number for the transportation of trackable waste;

(b) a decision of the administering authority, under section 81Y—

(i) to refuse an application (an ***exemption application***) for an exemption for the transportation of particular trackable waste; or

(ii) to approve an exemption application subject to conditions;

(c) the following decisions of the chief executive—

(i) a decision to request information under section 85(6) for assessing the integrity of emission data given by an occupier of a reporting facility;

[s 5]

- (ii) a decision under section 86(1)(b) about an annual reporting period for a reporting facility;
- (iii) a decision to request information under section 92(3);
- (iv) a decision to refuse to approve an estimation technique, or approve it subject to a modification under section 92(5);
- (v) a decision to request information to decide a claim for an exemption on the ground of commercial confidentiality under section 95(3);
- (vi) a decision to refuse to grant a claim for exemption on the ground of commercial confidentiality under section 96.

(2) Section 110—

insert—

- (2A) For a decision mentioned in subsection (1)(a) or (b), the dissatisfied person is the applicant.

(3) Section 110(3), ‘subsection (1)’—

omit, insert—

subsection (1)(c)

(4) Section 110(2A) and (3)—

renumber as section 110(3) and (4).

5 Insertion of new ch 9, pt 9

Chapter 9—

insert—

Part 9 Transitional provision for Environment Legislation Amendment and Repeal Regulation (No. 1) 2014

176 Compliance notice given under repealed regulation

- (1) On and from the commencement, a written notice given by an authorised person to an affected person under section 10P(1) of the repealed regulation is taken to be a notice to comply given by an authorised person under section 81ZN.
- (2) In this section—

repealed regulation means the *Environmental Protection (Waste Management) Regulation 2000*.

6 Amendment of sch 2 (Prescribed ERAs and aggregate environmental scores)

Schedule 2, section 56(2)(d), from ‘, for no more’ to ‘disposal’—
omit, insert—

chemically treated power poles awaiting removal from
the facility for recycling, reprocessing or treatment

7 Insertion of new schs 2E to 2H

After schedule 2D—

insert—

[s 7]

Schedule 2E Trackable waste and waste codes

section 81C and schedule 12, part 2, definition *waste code*

Explanatory notes to sch 2E

- 1 A substance is trackable waste if it is regulated waste of a type mentioned in this schedule.
- 2 If a substance falls under more than 1 item in this list, and the code for one of the items is marked with an asterisk, the code for the substance is the code marked with an asterisk.

Type of waste	Waste code
acidic solutions and acids in solid form.	B100
animal effluent and residues, including abattoir effluent and poultry and fish processing wastes	K100
antimony and antimony compounds	D170
arsenic and arsenic compounds	D130
asbestos	N220
barium compounds, other than barium sulphate	D290
basic (alkaline) solutions and bases (alkalis) in solid form . .	C100
beryllium and beryllium compounds.	D160
boron compounds.	D310
cadmium and cadmium compounds	D150

Type of waste	Waste code
chemical waste arising from a research and development or teaching activity, including new or unidentified material and material whose effects on human health or the environment are not known	T100
chlorates	D350
chromium compounds (hexavalent and trivalent)	D140
clinical and related waste	R100*
copper compounds	D190
cyanides (inorganic)	A130
cyanides (organic)	M210
encapsulated, chemically fixed, solidified or polymerised wastes	N160*
ethers	G100
filter cake, other than filter cake waste generated from the treatment of raw water for the supply of drinking water	N190
fire debris and fire washwaters	N140*
fly ash	N150
grease trap waste	K110
halogenated organic solvents	G150
highly odorous organic chemicals, including mercaptans and acrylates	M260
inorganic fluorine compounds, other than calcium fluoride	D110
inorganic sulfides	D330
isocyanate compounds	M220
liquid food processing waste	K200

[s 7]

Type of waste	Waste code
lead and lead compounds	D220
material containing polychlorinated biphenyls (PCBs), polychlorinated naphthalenes (PCNs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs) . . .	M100
mercury and mercury compounds	D120
metal carbonyls	D100
mineral oils	J100
nickel compounds	D210
non-toxic salts	D300
oil and water mixtures or emulsions, or hydrocarbons and water mixtures or emulsions	J120
organic phosphorous compounds	H110
organic solvents, other than halogenated solvents.	G110
organohalogen compounds, other than another substance stated in this schedule	M160
perchlorates	D340
pharmaceuticals, drugs and medicines	R120*
phenols and phenol compounds, including chlorophenols . .	M150
phosphorus compounds, other than mineral phosphates	D360
polychlorinated dibenzo-furan (any congener)	M170
polychlorinated dibenzo-p-dioxin (any congener).	M180
residues from industrial waste treatment or disposal operations.	N205
selenium and selenium compounds	D240

Type of waste	Waste code
sewage sludge and residues, including nightsoil and septic tank sludge.....	K130
surface active agents (surfactants) containing principally organic constituents, whether or not also containing metals and other inorganic materials.....	M250
tannery wastes, including leather dust, ash, sludges and flours	K140
tarry residues arising from refining, distillation or any pyrolytic treatment.....	J160
tellurium and tellurium compounds.....	D250
thallium and thallium compounds	D180
triethylamine catalysts for setting foundry sands	M230
tyres	T140
vanadium compounds	D270
waste containing peroxides other than hydrogen peroxide ..	E100
waste from a heat treatment or tempering operation that uses cyanides	A110
waste from surface treatment of metals or plastics	A100
waste from the manufacture, formulation or use of—	
• biocides or phytopharmaceuticals.....	H100
• inks, dyes, pigments, paints, lacquers or varnish .	F100
• organic solvents.....	G160
• photographic chemicals or processing materials..	T120
• resins, latex, plasticisers, glues or other adhesives	F110
• wood-preserving chemicals.....	H170

[s 7]

Type of waste	Waste code
waste from the manufacture or preparation of pharmaceutical products	R140
waste of an explosive nature, other than an explosive within the meaning of the <i>Explosives Act 1999</i>	E120
wool-scouring wastes.	K190
zinc compounds	D230

Schedule 2F Prescribed information for waste tracking

section 81E

1 Generator

- (1) This section states the prescribed information for sections 81I and 81R.
- (2) The generator must give the following information to the transporter—
 - (a) the generator's—
 - (i) name, address, local government area and contact details; or
 - (ii) generator identification number;
 - (b) if the generator is a business—the generator's ABN;
 - (c) the name, address and contact details of the person to whom the waste is to be transported;
 - (d) the day the generator gives the waste to the transporter for transporting;
 - (e) the unique identifier for the transportation of the load of waste;
 - (f) for a load of waste transported to a receiver outside Queensland—the consignment number for the load;
 - (g) if the waste is dangerous goods—the type and number of containers in which the waste is contained;
 - (h) the following details of the waste—

[s 7]

- (i) the type of waste;
 - (ii) the amount of the waste, expressed as a stated number of kilograms or litres;
 - (iii) its physical nature (solid, liquid, paste or gas);
 - (iv) the waste code of the waste;
 - (v) if the waste is dangerous goods—
 - (A) its UN number; and
 - (B) its packing group designator; and
 - (C) its dangerous goods class and any subsidiary risk.
- (3) The generator must record, and must give to the administering authority, the following information—
- (a) the information mentioned in subsection (2);
 - (b) the transporter's name, address and contact details;
 - (c) the transporter's environmental authority number;
 - (d) if the vehicle used to transport the waste is a motor vehicle—the vehicle's registration number.

2 Transporter

- (1) This section states the prescribed information for sections 81J and 81N.
- (2) The transporter must give the following information to the receiver—
 - (a) the information mentioned in section 1(2) received from the generator;

- (b) for a load of waste transported from a generator outside Queensland—the consignment number for the load;
 - (c) the transporter’s name, address and contact details;
 - (d) the transporter’s environmental authority number;
 - (e) if the vehicle used to transport the waste is a motor vehicle—the vehicle’s registration number;
 - (f) any jurisdiction, other than Queensland, in which the waste has been transported;
 - (g) the day and time the transporter gives the waste to the receiver.
- (3) The transporter must record the following information—
- (a) the information mentioned in subsection (2);
 - (b) the receiver’s name, address and contact details;
 - (c) the receiver’s environmental authority number.

3 Receiver

- (1) This section states the prescribed information for sections 81K and 81O.
- (2) The receiver must record the following information—
 - (a) the information mentioned in section 2(2) received from the transporter;
 - (b) the amount of waste received, expressed as a stated number of kilograms or litres;

[s 7]

- (c) whether the waste is received for recycling, conversion to energy, another type of treatment, storage or disposal;
 - (d) the disposal or treatment code for the way of disposing of or treating the waste.
- (3) The receiver must give the following information to the administering authority—
 - (a) the information mentioned in subsection (2);
 - (b) the receiver's name, address and contact details;
 - (c) the receiver's environmental authority number.

Schedule 2G National environment protection (movement of controlled waste between States and Territories) measure, schedule A, list 2

schedule 12, part 2, definition *environmentally significant characteristic*

Schedule A List 2: Characteristics of controlled wastes

**Dangerous UN Code
Goods
Class (UN
Class)**

1 H1 Explosive

An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.

[s 7]

**Dangerous UN Code
Goods
Class (UN
Class)**

3 H3 Flammable Liquids

The word *flammable* has the same meaning as *inflammable*. Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off flammable vapour at temperatures of not more than 60.5 degrees Celsius, closed-cup test, or not more than 65.6 degrees Celsius, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowances for such differences would be within the spirit of the definition.)

4.1 H4.1 Flammable solids

Solids or waste solids, other than those classified as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.

4.2 H4.2 Substances or wastes liable to spontaneous combustion

Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up in contact with air, and being then liable to catch fire.

**Dangerous UN Code
Goods
Class (UN
Class)**

- | | | |
|-----|------|---|
| 4.3 | H4.3 | <p>Substances or wastes which, in contact with water, emit flammable gases</p> <p>Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.</p> |
| 5.1 | H5.1 | <p>Oxidising</p> <p>Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen, cause or contribute to, the combustion of other materials.</p> |
| 5.2 | H5.2 | <p>Organic peroxides</p> <p>Organic substances or wastes which contain the bivalent-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.</p> |
| 6.1 | H6.1 | <p>Poisonous (acute)</p> <p>Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.</p> |
| 6.2 | H6.2 | <p>Infectious substances</p> <p>Substances or wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.</p> |

[s 7]

**Dangerous UN Code
Goods
Class (UN
Class)**

8	H8	Corrosives	Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.
9	H10	Liberation of toxic gases in contact with air or water	Substances or wastes which, by liberation with air or water, are liable to give off toxic gases in dangerous quantities.
9	H11	Toxic (delayed or chronic)	Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
9	H12	Ecotoxic	Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.
9	H13	Capable of yielding another material which possesses H1-H12	Capable by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

**Dangerous UN Code
Goods
Class (UN
Class)**

Other Reasons

Potential to have a significant adverse impact on ambient air quality.

Potential to have a significant adverse impact on ambient marine, estuarine or freshwater quality.

Note—

UN Class and Code relates to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods as used in Australia.

[s 7]

Schedule 2H Disposal and treatment codes for waste tracking

schedule 12, part 2, definitions *disposal code* and *treatment code*

Part 1 Disposal codes

The following ways of dealing with waste do not include resource recovery, recycling, reclamation, direct re-use or an alternative use of the waste.

	Disposal code
disposal to a landfill.	D1
land farming.	D2
surface impoundment.	D4
biological treatment in a way not otherwise mentioned in this part	D8
immobilisation or solidification.	D9A
physico/chemical treatment other than immobilisation or solidification	D9B
incineration	D10
permanent storage	D12
blending or mixing before disposal in another way mentioned in this part	D13

	Disposal code
repackaging before disposal in another way mentioned in this part	D14
storage before disposal in another way mentioned in this part	D15

Part 2 Treatment codes

The following ways of dealing with waste may include resource recovery, recycling, reclamation, direct re-use or an alternative use of the waste.

	Treatment code
using waste as a fuel, other than by direct incineration .	R1
recycling or reclaiming a substance, other than a substance mentioned in items R6 to R8, if it is—	
• an organic substance used as a solvent	R2
• an organic substance not used as a solvent	R3
• a metal or metal compound other than a drum .	R4
• an inorganic substance other than a metal or metal compound	R5
recycling or reclaiming—	
• an acid or base	R6
• a component used for pollution abatement	R7
• a component from a catalyst	R8
refining used oil or otherwise using previously used oil	R9

[s 8]

	Treatment code
using a residual trackable waste obtained from treatment in another way mentioned in this part	R11
storage before treatment in another way mentioned in this part	R13
recycling, reconditioning or laundering of drums	R14

8 Amendment of sch 7 (Regulated waste and waste that is not regulated waste)

Schedule 7, part 2—

insert—

- 11 waste architectural and decorative paints collected, stored and transported in accordance with a product stewardship, unless the paint—
 - is a bagged render
 - is texture coating
 - contains isocyanates
 - is paint stripper
 - is an industrial paint
 - is anti-fouling paint
- 12 containers of waste architectural and decorative paints mentioned in item 11 that are collected, stored and transported in accordance with a product stewardship, unless the paint is in a spray pack

9 Amendment of sch 12 (Dictionary)

- (1) Schedule 12, part 2, definitions *clinical waste*, *commercial waste*, *industrial waste* and *Waste Management Regulation*—
omit.

(2) Schedule 12, part 2—

insert—

animal waste means any discarded materials, including carcasses, body parts, blood or bedding, originating from animals contaminated with an agent infectious to humans or from animals inoculated during research, production of biologicals or pharmaceutical testing with infectious agents.

clinical waste means waste that has the potential to cause disease, including, for example, the following—

- (a) animal waste;
- (b) discarded sharps;
- (c) human tissue waste;
- (d) laboratory waste.

commercial premises means any of the following types of premises—

- (a) a hotel, motel, caravan park, cafe, food store or canteen;
- (b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;
- (c) premises where a sport or game is ordinarily played in public;
- (d) an exhibition ground, show ground or racecourse;
- (e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.

commercial waste means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result

[s 9]

of the ordinary use or occupation of commercial premises.

consignment number means—

- (a) for a load of waste transported from a generator outside Queensland—the number assigned to the load under section 81X(5); or
- (b) for a load of waste transported to a receiver outside Queensland—any number assigned as a consignment number for the load under an equivalent law of the jurisdiction.

cytotoxic drug means a drug known to have carcinogenic, mutagenic or teratogenic potential.

disposal code, for a way of disposing of waste, means the relevant code for the disposal operation stated in schedule 2H.

domestic clean-up waste means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.

domestic premises means any of the following types of premises—

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units;
- (c) a boarding house, hostel, lodging house or guest house.

domestic waste means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

environmentally significant characteristic means a characteristic mentioned in the MCW

NEPM, schedule A, list 2, a copy of which is set out in schedule 2G.

general waste means—

- (a) generally, waste other than regulated waste; or
- (b) for chapter 5A, part 2, any of the following—
 - (i) commercial waste;
 - (ii) domestic waste;
 - (iii) recyclable waste.

generator, for chapter 5, part 9, see section 81D(1)(a).

generator identification number, of a person, means the number assigned to the person under section 81ZB.

green waste means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

human body parts means recognisable organs, bones and gross body parts but does not include teeth, gums, hair, nails, bone fragments or a placenta if it is to be retained by a parent or guardian.

human tissue waste means the following—

- (a) tissue, blood, blood products and other body fluids that are removed from a person during surgery, an autopsy or another medical procedure;
- (b) tissue, blood, blood products and other body fluids that are removed from a person during post-operative care or treatment;

[s 9]

- (c) specimens of tissue, blood, blood products and other body fluids and containers in which the specimens are kept;
- (d) discarded material saturated with, or containing, free-flowing blood and other body fluids.

industrial waste means—

- (a) interceptor waste; or
- (b) waste other than the following—
 - (i) commercial waste;
 - (ii) domestic waste;
 - (iii) domestic clean-up waste;
 - (iv) green waste;
 - (v) recyclable waste;
 - (vi) recyclable interceptor waste;
 - (vii) waste discharged to a sewer.

interceptor means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

Examples of interceptors—

- neutralising interceptors for neutralising acidic and alkaline substances
- grease interceptors for collecting and solidifying fat, grease and similar matter
- oil interceptors for collecting oil and petroleum products
- silt interceptors for collecting soil, sand, gravel and other sedimentary solids

interceptor waste means matter, other than recyclable interceptor waste, intercepted by, and held in, an interceptor.

manufacturing process means a handicraft or other process relating to adapting, altering, assembling, cleaning, finishing, making, ornamenting, preparing, renovating, repairing, washing, or wrecking goods for trade, sale or gain or otherwise in connection with a business.

MCW NEPM means the *National Environment Protection (Movement of Controlled Waste between States and Territories) Measure* made by the National Environment Protection Council, on 26 June 1998, under the *National Environment Protection Council Act 1994* (Cwlth).

packing group designator, for trackable waste, means the packing group designator applying to the waste under the dangerous goods code.

pharmaceutical product means a restricted drug under the *Health (Drugs and Poisons) Regulation 1996*.

prescribed form, for chapter 5, part 9, see section 81V(1).

prescribed information, for chapter 5, part 9, see section 81E.

prescribed time, for chapter 5, part 9, see section 81G.

prescribed way, for chapter 5, part 9, see section 81F.

product stewardship means—

- (a) a product stewardship scheme under the *Waste Reduction and Recycling Act 2011*; or
- (b) one of the following under the *Product Stewardship Act 2011* (Cwlth)—
 - (i) an accredited voluntary arrangement;

[s 9]

- (ii) an approved co-regulatory arrangement;
- (iii) mandatory product stewardship requirements specified under part 4 of that Act.

radioactive substance see the *Radiation Safety Act 1999*, schedule 2.

receiver, for chapter 5, part 9, see section 81D(1)(c).

recyclable interceptor waste means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.

recyclable waste, for a local government's area, means clean and inoffensive waste that is declared by the local government to be recyclable waste for the area.

Examples of waste that may be declared to be recyclable waste—

glass bottles, newspaper, cardboard, steel and aluminium cans, and green waste

registration number, of a motor vehicle, means its registration number under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*.

related waste means waste that constitutes, or is contaminated with, chemicals, cytotoxic drugs, human body parts, pharmaceutical products or radioactive substances.

relevant premises includes domestic, government and commercial premises.

serviced premises, for chapter 5A, see section 81ZE.

sharp means an object or device having sharp points, protuberances or cutting edges that are capable of causing a penetrating injury to humans.

standard general waste container means a container of a type approved by a local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government's area.

subsidiary risk, for trackable waste, means the subsidiary risk applying to the waste under the dangerous goods code.

trackable waste see section 81C(1).

transporter, for chapter 5, part 9, see section 81D(1)(b).

treatment code, for a way of treating waste, means the code for the treatment operation stated in schedule 2H.

UN number, for trackable waste, means the United Nations number applying to the waste under the dangerous goods code.

unique identifier, for the transportation of a load of trackable waste, means—

- (a) if the generator gives the administering authority information about the transportation in the prescribed form—the unique identifier marked on the form; or
- (b) if the generator gives the administering authority information about the transportation in another way the administering executive has approved under section 81W—the unique identifier assigned under the approved way.

waste code, for trackable waste, means the code for the waste stated in schedule 2E.

[s 10]

waste facility means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste.

waste handler means a generator, transporter or receiver of trackable waste.

Part 3

Amendment of Waste Reduction and Recycling Regulation 2011

10 Regulation amended

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

11 Insertion of new s 7A

After section 7—

insert—

7A Expiry

This part expires on 1 September 2016.

12 Amendment of s 39 (Prescribed planning entity—Act, s 139)

Section 39(2), definition *hospital*—

omit.

13 Sections 41L(1), 41M(9), 41N(1) and (2) and 41R(3), note—

omit, insert—

Note—

Section 42A states that this subsection is a prescribed provision for section 245, definition *prescribed provision*, paragraph (b) of the Act.

14 Insertion of new pts 5B and 5C

After part 5A—

insert—

Part 5B Management of clinical and related wastes

41X Segregation of waste

- (1) A person who operates premises at which clinical or related waste is generated must ensure the waste is segregated into—
 - (a) the following categories of clinical waste—
 - (i) animal waste;
 - (ii) discarded sharps;
 - (iii) human tissue waste;
 - (iv) laboratory and associated waste directly resulting from the processing of specimens; and
 - (b) the following categories of related waste—
 - (i) chemical waste;
 - (ii) waste constituted by, or contaminated with, cytotoxic drugs;
 - (iii) human body parts;
 - (iv) pharmaceutical waste;
 - (v) radioactive waste; and
 - (c) general waste.

[s 14]

Maximum penalty—20 penalty units.

- (2) It is a defence to a charge under subsection (1) for the defendant to prove that the waste will be given, for treatment or disposal, to a person who is authorised, under either of the following, to receive waste that is not segregated in the way required under subsection (1)—
 - (a) an environmental authority;
 - (b) a development condition of a development approval.

41Y Design requirements for waste containers

- (1) This section applies to a person who operates premises at which clinical or related waste is generated.
- (2) The person must ensure all bags and other containers used at the establishment for the collection, storage, transport or disposal of clinical and related waste mentioned in schedule 7A comply with the requirements for the waste in the schedule.

Maximum penalty—20 penalty units.

41Z Giving waste to another person for transport, storage, treatment or disposal

- (1) This section applies to a person who operates premises at which clinical or related waste is generated.
- (2) The person must not give the waste to another person for transport, storage, treatment or disposal unless the other person is the holder of, or a person acting under, an environmental authority for transporting, storing, treating or disposing of the waste.

Maximum penalty—20 penalty units.

- (3) It is a defence to a charge under subsection (2) for the defendant to prove there were reasonable grounds for believing the other person had an environmental authority for transporting, storing, treating or disposing of the waste.

41ZA Disposal of sharps

- (1) Subsection (2) applies to a person who discards—
- (a) at a residential premises, a hypodermic needle that has been in contact with human or animal tissue or body fluids; or
 - (b) at a place other than a residential premises, a hypodermic needle or other sharp.
- (2) The person must—
- (a) place the needle or other sharp in a rigid-walled, puncture-resistant container; and
 - (b) seal or securely close the container.

Maximum penalty—20 penalty units.

- (3) Subsection (4) applies to a person who discards a needle or other sharp at premises at which clinical or related waste is generated.
- (4) The person must place the needle or other sharp in a container that complies with—
- (a) the ‘Australian/New Zealand Standard for Reusable containers for the collection of sharp items used in human and animal medical applications: AS/NZS 4261:1994’ published by Standards Australia; or
 - (b) the ‘Australian Standard for Non-reusable containers for the collection of sharp

[s 14]

medical items used in health care areas: AS 4031-1992' published by Standards Australia.

Maximum penalty—20 penalty units.

- (5) Also, a person who discards a needle or other sharp under subsection (2) or (4) must ensure it is not accessible to another person.

Maximum penalty—20 penalty units.

41ZB Storage area for clinical or related waste

A person who operates premises at which clinical or related waste is generated—

- (a) must set aside an area for storing the waste that is not accessible to animals or persons, other than persons who are authorised by the person operating the premises to enter the area; and
- (b) must not store the waste anywhere other than an area mentioned in paragraph (a).

Maximum penalty—20 penalty units.

41ZC Storage of clinical or related waste

- (1) A person who operates premises at which clinical or related waste is generated and stored must ensure the waste does not create an environmental nuisance after it is generated.

Maximum penalty—20 penalty units.

- (2) In this section—

environmental nuisance see the Environmental Protection Act, section 15.

41ZD Treatment and disposal of clinical or related waste

A person who operates premises at which clinical or related waste is generated must ensure the waste is treated and disposed of in accordance with schedule 7B.

Maximum penalty—20 penalty units.

Part 5C Management of polychlorinated biphenyls (PCBs)

Division 1 Preliminary

41ZE Definitions for pt 5C

In this part—

concentrated, for PCB material, see section 41ZF(4).

diluent means a matrix within which PCBs are distributed such as, for example, oil, soil or concrete, but does not include the casing or other solid surrounding the matrix.

licensed disposal facility means—

- (a) a facility in Queensland authorised, under any of the following, to be used for disposing of PCB waste—
 - (i) a development condition of a development approval;
 - (ii) an environmental authority; or

[s 14]

- (b) a facility in another State authorised to be used under a licence, approval or other authority, given under a law of that State, to dispose of PCB waste.

licensed treatment facility means—

- (a) a facility in Queensland authorised, under any of the following, to be used for treating PCB waste—
 - (i) a development condition of a development approval;
 - (ii) an environmental authority; or
- (b) a facility in another State authorised to be used under a licence, approval or other authority, given under a law of that State, to treat PCB material.

non-scheduled, for PCB material, means PCB material that is not scheduled PCB material.

PCB means a polychlorinated biphenyl.

PCB-free see section 41ZG(1).

PCB material means—

- (a) PCBs that are not in a diluent; or
- (b) PCBs in a diluent in a concentration of at least 2mg/kg.

PCB waste means waste that is PCB material.

scheduled, for PCB material, see section 41ZF(3).

41ZF Types of PCB material

- (1) This part applies to PCB material according to the amount and concentration of PCBs in the PCB material.

-
- (2) PCB material is either scheduled or non-scheduled.
 - (3) PCB material is *scheduled* if—
 - (a) the concentration of PCBs in the material is at least 50mg/kg; and
 - (b) the material contains at least 50g of PCBs.
 - (4) PCB material is *concentrated* if—
 - (a) the concentration of PCBs in the material is at least 100,000mg/kg; and
 - (b) the material contains at least 50g of PCBs.

41ZG Deciding if material or equipment is PCB-free

- (1) For this part—
 - (a) material is *PCB-free* if it is not PCB material; and
 - (b) equipment is *PCB-free* if—
 - (i) there is no PCB material in the equipment other than on the surface area of the PCB-contaminated metal in the equipment; and
 - (ii) the PCB-contaminated metal in the equipment does not have a coverage of PCBs on its surface area of more than 1mg/m², as decided under the guidelines mentioned in subsection (2).
- (2) The chief executive must—
 - (a) prepare guidelines for deciding the coverage of PCBs on the surface area of PCB-contaminated metal; and
 - (b) make the guidelines available to the public, whether published on the department's website or otherwise, free of charge or on payment of a reasonable fee.

[s 14]

(3) In this section—

PCB-contaminated metal, in equipment, means metal that normally comes into contact with PCB material when the equipment is used.

Division 2 Treatment of PCB material

41ZH Treatment of PCB material only at licensed treatment facilities

(1) A person must not dilute, disaggregate or otherwise treat PCB material at a place other than a licensed treatment facility.

Note—

Section 42A states that this subsection is a prescribed provision for section 245, definition *prescribed provision*, paragraph (b) of the Act.

(2) For this section, a person does not treat PCB material if the person merely—

- (a) removes PCB material from equipment; or
- (b) refills equipment containing PCB material for the purpose of the continued operation of the equipment.

Division 3 Disposal of PCB waste

41ZI Waste that is scheduled PCB material must be sent for treatment

(1) A person who generates waste that is scheduled PCB material must give the waste to a licensed treatment facility for treatment within 1 year after the waste is generated.

Maximum penalty—20 penalty units.

- (2) It is a defence to a charge under subsection (1) for the person to show the person has a reasonable excuse for not complying.

Example—

It is a reasonable excuse that there is no licensed treatment facility to which the waste can be given within 1 year after it is generated.

- (3) If the person is not able to comply with subsection (1), the person must—
- (a) give a written notice to the chief executive stating—
- (i) the person is not able to comply with subsection (1), and the reason; and
- (ii) how the person will ensure the waste is taken to a licensed treatment facility for treatment as soon as practicable; and
- (b) give the waste to a licensed treatment facility, for treatment, as soon as is practicable.

Maximum penalty—20 penalty units.

41ZJ Prohibition on disposal of waste that is scheduled PCB material and liquid PCB waste

A person must not dispose of waste that is scheduled PCB material or liquid PCB waste to a landfill.

Maximum penalty—20 penalty units.

[s 14]

Division 4 Duties of occupier of premises with scheduled PCB material

41ZK Application of div 4

This division applies to a person who occupies premises at which there is an amount of scheduled PCB material containing more than 10kg of PCBs.

41ZL Notice to chief executive

- (1) The person must give a notice to the chief executive, within 3 months after this division starts to apply to the person, stating—
 - (a) the person's name and address; and
 - (b) the date of the notice; and
 - (c) the prescribed information about the material at the premises.

Maximum penalty—10 penalty units.

- (2) If there is a change in any of the prescribed information stated in a notice given by a person under this section, the person must give a further notice to the chief executive, not later than 3 months after the change, stating—
 - (a) the person's name and address; and
 - (b) the date of the notice; and
 - (c) the day the change happened; and
 - (d) the particulars of the change.

Maximum penalty—10 penalty units.

- (3) In this section—

prescribed information, about the scheduled PCB material at a premises, means—
 - (a) the amount of the material; and

- (b) the amount and concentration of PCBs in the material; and
- (c) where the material is located at the premises.

41ZM Emergency plan

- (1) The person must prepare an emergency plan for the premises, within 90 days after this division starts to apply to the person, and must keep the plan up to date.

Maximum penalty—5 penalty units.

- (2) In this section—

emergency plan, for a premises, means a plan that addresses—

- (a) monitoring and recording—
 - (i) the amount of scheduled PCB material at the premises; and
 - (ii) where the material is located; and
 - (iii) access to the material; and
- (b) the following issues concerning relevant incidents at the premises—
 - (i) minimising the risks of an incident;
 - (ii) timely and effective containment of an incident;
 - (iii) timely and effective clean-up and repairs after an incident;
 - (iv) managing waste generated by the clean-up or repairs.

relevant incident, at a premises, means a fire at the premises or a spill or other accident involving scheduled PCB material at the premises.

[s 14]

Division 5 Equipment containing PCB material

41ZN Use of equipment containing concentrated PCB material

- (1) A person must not use equipment containing concentrated PCB material if the person knows, or ought reasonably to know, that the equipment contains concentrated PCB material.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply if there is a current exemption for the equipment given under section 41ZO.

41ZO Exemption permitting use of equipment containing concentrated PCB material

- (1) A person may apply to the chief executive to—
 - (a) exempt equipment from the application of section 41ZN; or
 - (b) extend an exemption given under paragraph (a) for 1 or more further periods.
- (2) The chief executive may give or extend an exemption for equipment only if the chief executive is satisfied the equipment is not—
 - (a) near a food processing facility, animal feedlot, school or hospital; or
 - (b) in a potable surface or underground water catchment area, aquatic spawning area or endangered wildlife habitat; or
 - (c) at another place requiring higher than usual protection against environmental harm from a spill or other accident involving concentrated PCB material.

-
- (3) An exemption may be given on reasonable conditions.
 - (4) An applicant for an exemption must give the chief executive the information the chief executive reasonably requires to decide the application.
 - (5) If the chief executive decides to refuse the request, the notice must be an information notice about the decision.
 - (6) If the chief executive has not decided the application by the due day, the chief executive is taken to have refused the application.
 - (7) In this section—
due day, for deciding an application, means—
 - (a) the sixtieth day after the application is made, not including a day the chief executive asks for information under subsection (4), a day the applicant gives the requested information, and any days in between; or
 - (b) any later day agreed between the chief executive and the applicant.

endangered wildlife see the *Nature Conservation Act 1992*, schedule.

environmental harm see the *Environmental Protection Act*, section 14.

41ZP Use of equipment containing scheduled PCB material

A person must not use equipment containing scheduled PCB material, other than concentrated PCB material, if the person knows, or ought reasonably to know, that the equipment contains scheduled PCB material.

[s 14]

Maximum penalty—20 penalty units.

41ZQ Dealing with equipment that is no longer used

- (1) This section applies to the owner of equipment containing PCB material.
- (2) Not later than 1 year after the equipment is permanently removed from operational use, the owner must deal with the equipment as follows—
 - (a) if the equipment contains concentrated PCB material, the owner must give the equipment to a licensed treatment facility for treatment so the equipment becomes PCB-free;
 - (b) if the equipment contains scheduled PCB material that is not concentrated PCB material, the owner must—
 - (i) treat the equipment so the equipment becomes PCB-free; or
 - (ii) give the equipment to a licensed treatment facility for treatment so the equipment becomes PCB-free;
 - (c) if the equipment contains non-scheduled PCB material, the owner must—
 - (i) treat the equipment so the equipment becomes PCB-free; or
 - (ii) give the equipment to a licensed treatment facility for treatment so the equipment becomes PCB-free; or
 - (iii) give the equipment to a licensed disposal facility.

Maximum penalty—20 penalty units.

- (3) It is a defence to a charge of an offence against subsection (2) for the owner to show the owner

has a reasonable excuse for not complying with subsection (2).

- (4) If the owner does not comply with subsection (2) because the owner has a reasonable excuse, the owner must deal with the equipment in the way required by subsection (2) as soon as practicable.

Maximum penalty—20 penalty units.

15 Insertion of new s 41ZR

Part 6, before section 42—

insert—

41ZR Disposal ban waste—Act, s 100

For chapter 4, part 4 of the Act—

- (a) schedule 7C, column 2 identifies the types of waste that are disposal ban waste for the part of the State mentioned opposite the waste in column 1; and
- (b) schedule 7C, column 3 identifies the day the waste became disposal ban waste for that part of the State.

16 Amendment of s 42A (Prescribed provisions for Act, s 245)

Section 42A—

insert—

- section 41ZH(1).

17 Insertion of new schs 7A to 7C

After schedule 7—

insert—

[s 17]

Schedule 7A Design requirements for waste containers

section 41Y

Waste	Container	Symbol colour	Symbol	Identification
clinical	yellow	black		clinical waste
cytotoxic	purple	white		cytotoxic waste-incinerate at 1100°C
radio- active	red	black		radioactive waste

Schedule 7B Treatment and disposal of clinical and related waste

section 41ZD

Waste type	Treatment and disposal process						
	Incineration	Auto-claving and shredding	Chemical disinfection using hypochlorite and shredding	Chemical disinfection using peroxide, lime and shredding	Microwave and shredding	Compaction	Landfill
chemical	yes (if licensed)	no	no	no	no	no	no
cytotoxic	yes	no	no	no	no	no	no
human body parts	yes	no	no	yes	no	no	no
pharmaceutical	yes	no	no	no	no	no	no
radioactive	no	no	no	no	no	no	no
treated clinical	—	—	—	—	—	yes	yes
untreated clinical	yes	yes	yes	yes	yes	yes (other than animal carcasses and sharps)	no (other than in a scheduled area)

[s 18]

Schedule 7C Disposal ban waste

section 41ZR

Column 1 Part of State	Column 2 Type of waste	Column 3 Effective date
all of the State	liquid PCB waste related waste waste that is scheduled PCB material	1 September 2014
all of the State, other than a scheduled area	untreated clinical waste	1 September 2014

18 Amendment of sch 9 (Dictionary)

(1) Schedule 9, definitions *general waste* and *green waste*—
omit.

(2) Schedule 9—
insert—

chemical waste means waste generated from the use of chemicals in medical, dental, veterinary and laboratory procedures, including, for example, mercury, formalin and gluteraldehyde.

concentrated, for PCB material, for part 5C, see section 41ZF(4).

cytotoxic drug means a drug known to have carcinogenic, mutagenic or teratogenic potential.

cytotoxic waste means waste that is contaminated by a cytotoxic drug.

development approval see the *Sustainable Planning Act 2009*, schedule 3.

development condition—

- 1 *Development condition*, of a development approval, means a condition of the approval imposed by, or imposed because of a requirement of, the administering authority under the Environmental Protection Act or chief executive administering the *Sustainable Planning Act 2009*, as the assessment manager or a concurrence agency for the application for the approval.
- 2 The term includes a reference to a condition mentioned in the *State Development and Public Works Organisation Act 1971*, section 39(1)(a).
- 3 To remove any doubt, it is declared that if a condition mentioned in clause 1 was imposed on a development approval because the approval related to an environmentally relevant activity, the condition does not stop being a development condition only because the activity stops being an environmentally relevant activity.

diluent, for part 5C, see section 41ZE.

environmentally relevant activity see the Environmental Protection Act, section 18.

free-flowing, for blood, or body fluids, means blood, blood products or body fluid that is flowing, dripping, oozing, liquid or able to be squeezed from material.

general waste means waste other than regulated waste.

green waste means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

[s 18]

hospital has the meaning given by the *Hospital and Health Boards Act 2011*, schedule 2 and includes a dental hospital or hospice.

human body parts means recognisable organs, bones and gross body parts but does not include teeth, gums, hair, nails, bone fragments or a placenta if it is to be retained by a parent or guardian.

laboratory waste means a specimen or culture discarded in the course of dental, medical or veterinary practise or research, including material that is, or has been contaminated by, genetically manipulated material or imported biological material.

licensed, for schedule 7B, means the person who operates the premises holds, or is acting under, the required authority for the activity.

licensed disposal facility, for part 5C, see section 41ZE.

licensed treatment facility, for part 5C, see section 41ZE.

non-scheduled, for PCB material, for part 5C, see section 41ZE.

PCB, for part 5C, see section 41ZE.

PCB-free, for part 5C, see section 41ZG(1).

PCB material, for part 5C, see section 41ZE.

PCB waste, for part 5C, see section 41ZE.

pharmaceutical waste means waste arising from—

- (a) pharmaceutical products that have passed their recommended shelf life; and
- (b) pharmaceutical products discarded due to off-specification batches or contaminated packaging; and

-
- (c) pharmaceutical products returned by patients or discarded by the public; and
 - (d) pharmaceutical products no longer required by the public; and
 - (e) waste generated during the manufacture of pharmaceutical products.

radioactive substance see the *Radiation Safety Act 1999*, schedule 2.

radioactive waste means waste that is contaminated with a radioactive substance.

residential premises means—

- (a) domestic premises; or
- (b) a boarding house, hostel, lodging house or guest house.

scheduled, for PCB material, for part 5C, see section 41ZF(3).

scheduled area see the *Environmental Protection Regulation 2008*, section 15.

sharp means an object or device having sharp points, protuberances or cutting edges that are capable of causing a penetrating injury to humans.

tissue does not include human body parts, teeth, hair, nail, gums and bone.

Part 4 Repeal

19 Repeal of regulation

The Environmental Protection (Waste Management) Regulation 2000, SL No. 178 is repealed.

ENDNOTES

- 1 Made by the Governor in Council on 28 August 2014.
- 2 Notified on the Queensland legislation website on 29 August 2014.
- 3 The administering agency is the Department of Environment and Heritage Protection.

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