



Queensland

Rural and Regional Adjustment (Household Waste Payment Scheme) Amendment Regulation 2019

Subordinate Legislation 2019 No. 195

made under the

Rural and Regional Adjustment Act 1994

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1 Short title

This regulation may be cited as the *Rural and Regional Adjustment (Household Waste Payment Scheme) Amendment Regulation 2019*.

2 Regulation amended

This regulation amends the *Rural and Regional Adjustment Regulation 2011*.

3 Amendment of s 3 (Approval of schemes—Act, s 11)

Section 3(1), ‘1 to 13’—

omit, insert—

1 to 14

4 Insertion of new sch 14

After schedule 13—

insert—

**Schedule 14 Household waste
payment scheme**

section 3(1)

1 Objective of scheme

The objective of the scheme is to provide financial assistance to eligible individuals and eligible proprietors for households that are, or are reasonably likely to be, directly affected by the waste levy.

2 Definitions

In this schedule—

applicant means a person applying for financial assistance under the scheme.

category 1 applicant means an applicant who is an eligible proprietor for a household.

category 2 applicant means an applicant who is an eligible individual for a household, other than a category 3 applicant or category 4 applicant.

category 3 applicant means an applicant who is an eligible individual for a household that occupies residential premises located within multi-dwelling premises that are primarily occupied for a holiday purpose.

category 4 applicant means an applicant who is an eligible individual for a household that occupies residential premises located within multi-dwelling premises the owner of which has refused to apply for assistance under the scheme for the household for the financial year to which the applicant's application relates.

domestic waste means waste other than—

- (a) commercial and industrial waste under the *Waste Reduction and Recycling Act 2011*, schedule; or
- (b) construction and demolition waste under the *Waste Reduction and Recycling Regulation 2011*, schedule 9.

domestic waste service means a service for the collection and disposal of domestic waste.

eligible individual, for a household, see section 5(1) and (2).

eligible proprietor, for a household, see section 6(1) and (2).

household means 1 or more individuals who—

- (a) occupy the same residential premises as a usual place of residence; and

- (b) have occupied the premises for 6 months or more for that purpose.

multi-dwelling premises means 2 or more premises that have all of the following attributes—

- (a) 1 entity is the owner of all of the premises;
- (b) all of the premises are generally regarded as constituting a group of premises, including, for example—
 - (i) 2 or more separate flats, apartments or other units within 1 building; and
 - (ii) 2 or more adjoining buildings; and
 - (iii) 2 or more buildings that are separated by common areas owned, leased or otherwise managed by the entity mentioned in paragraph (a);
- (c) at least 1 of the premises is residential premises.

non-levy zone see the *Waste Reduction and Recycling Act 2011*, section 26.

owner, of premises situated at a place, means—

- (a) if the place is freehold land—the person who, under the *Land Title Act 1994*, is the registered owner of the place; or
- (b) if the place is the subject of a lease under the *Land Act 1994*—the person who, under that Act, is registered as the lessee of the place; or
- (c) otherwise—the entity that has responsibility for the care, control or management of the place.

residential premises means premises that are—

- (a) occupied, or intended to be occupied, by 1 or more individuals as a usual place of residence; and
- (b) generally regarded as a single unit private dwelling, including, for example—
 - (i) a house or townhouse; and
 - (ii) a flat, apartment or unit; and
 - (iii) a caravan or its site, or both the caravan and site; and
 - (iv) a room in a boarding house, hostel, lodging house or nursing home; and
 - (v) a houseboat.

scheme means the scheme set out in this schedule.

waste see the *Environmental Protection Act 1994*, section 13.

waste levy see the *Waste Reduction and Recycling Act 2011*, section 36.

waste levy zone see the *Waste Reduction and Recycling Act 2011*, section 26.

3 Nature of assistance

- (1) The nature of assistance that may be given under the scheme is a payment of an amount to an applicant who is an eligible individual, or an eligible proprietor, for a household for a financial year.
- (2) The amount of the payment is worked out under section 8.

4 Period of scheme

The authority may give assistance under the scheme for each financial year during the period starting on 1 July 2019 and ending on 30 June

2022.

5 Eligibility criteria—eligible individuals

- (1) An applicant is an *eligible individual*, for a household, if the authority is satisfied—
 - (a) the applicant is an individual who is, or is part of, the household; and
 - (b) a domestic waste service is provided to the household by an entity, other than a local government, under a commercial arrangement; and
 - (c) the household is, or is reasonably likely to be, directly affected by the waste levy because of the domestic waste service.
- (2) Also, an applicant is an *eligible individual*, for a household, if the authority is satisfied—
 - (a) the applicant is an individual who is, or is part of, the household; and
 - (b) the applicant occupies residential premises located within multi-dwelling premises; and
 - (c) a domestic waste service is provided to the household by a local government or an entity mentioned in subsection (1)(b); and
 - (d) the household is, or is reasonably likely to be, directly affected by the waste levy because of the domestic waste service.
- (3) This section is subject to section 7.

6 Eligibility criteria—eligible proprietors

- (1) An applicant is an *eligible proprietor*, for a household, if the authority is satisfied—
 - (a) the applicant is the owner of residential premises occupied by the household; and

-
- (b) the applicant is not part of the household;
and
 - (c) the household is, or is reasonably likely to be, directly affected by the waste levy because of a domestic waste service provided to the household.
- (2) Also, an applicant is an *eligible proprietor*, for a household, if the authority is satisfied—
- (a) the applicant is the owner of multi-dwelling premises; and
 - (b) the household occupies residential premises located within the multi-dwelling premises; and
 - (c) the household is, or is reasonably likely to be, directly affected by the waste levy because of a domestic waste service provided to the household.
- (3) This section is subject to section 7.

7 Other eligibility criteria

- (1) For an applicant to be an eligible individual or eligible proprietor for a household, in relation to assistance for a financial year, the authority must also be satisfied that—
- (a) no assistance has previously been paid for the household for the financial year; and
 - (b) the household does not occupy residential premises in a local government area in relation to which an annual payment has been made for the financial year; and
 - (c) the application relates to a domestic waste service that is provided to the household for waste generated only by the household.
- (2) For sections 5(1)(c) and (2)(d) and 6(1)(c) and (2)(c), the authority must have regard to the

following matters for deciding whether a household is, or is reasonably likely to be, directly affected by the waste levy—

- (a) whether the household occupies residential premises located in the waste levy zone;
 - (b) whether domestic waste collected from the residential premises occupied by the household is disposed of in the waste levy zone.
- (3) In this section—

annual payment means an annual payment under the *Waste Reduction and Recycling Act 2011*, section 73D(1) or another payment for a similar purpose made to a local government affected by the waste levy.

8 Amount of payment

- (1) For a category 1 applicant or category 2 applicant, the amount of the payment under the scheme for a financial year is worked out using the following formula—

$$\mathbf{P = A \times W \times L \times B}$$

where—

P is the amount of the payment.

A is the total capacity of bins used for domestic waste at the following premises, calculated with reference to the frequency of waste collection at the premises during the financial year—

- (a) if the household to which the application relates occupies residential premises located within multi-dwelling premises—the multi-dwelling premises;
- (b) otherwise—the residential premises occupied by the household.

W is 0.0592.

Note—

0.0592 is the average deemed weight to volume ratio.

L is the waste levy rate for other levyable waste for the financial year under the *Waste Reduction and Recycling Regulation 2011*, schedule 1.

B is—

- (a) if the household to which the application relates occupies residential premises located within multi-dwelling premises—the proportion of the number of residential premises occupied by households to the total number of premises located within the multi-dwelling premises; or
 - (b) otherwise—1.
- (2) For a category 3 applicant or category 4 applicant, the amount of the payment under the scheme for a financial year is worked out using the following formula—

$$P = A \times L \times 52$$

where—

P is the amount of the payment.

A is 14.2kg.

Note—

14.2kg is the weekly average waste amount.

L is the waste levy rate for other levyable waste for the financial year under the *Waste Reduction and Recycling Regulation 2011*, schedule 1.

9 Applications

- (1) An application for assistance under the scheme must—

- (a) be in the form approved by the authority;
and
 - (b) be accompanied by the documents stated in
the application form; and
 - (c) be accompanied by evidence of—
 - (i) the address of the residential premises
for the household to which the
application relates; and
 - (ii) the matters stated for the applicant
under section 10; and
 - (d) be given to the authority not later than 30
June 2022.
- (2) The authority may ask an applicant for further
relevant information required to decide the
application.

10 Relevant matters for particular categories of applicants

- (1) This section states, for section 9(1)(c)(ii), the
matters of which an applicant must give the
authority evidence.
- (2) For a category 1 applicant or category 2 applicant,
the matters are—
 - (a) the domestic waste service provided to the
household; and
 - (b) the capacity of bins used for domestic waste,
and the frequency of domestic waste
collection, at the residential premises
occupied by the household; and
 - (c) if the household occupies residential
premises located within multi-dwelling
premises—the proportion of the number of
residential premises occupied by households
to the total number of premises located
within the multi-dwelling premises; and

- (d) for a category 2 applicant—that the applicant is, or is part of, the household.
- (3) For a category 3 applicant, the matters are—
 - (a) that the applicant is, or is part of, a household; and
 - (b) that the household occupies residential premises located within multi-dwelling premises that are primarily occupied for a holiday purpose.
- (4) For a category 4 applicant, the matters are—
 - (a) that the applicant is, or is part of, a household; and
 - (b) that the eligible proprietor for the household has refused to apply for assistance under the scheme for the financial year to which the application relates.

11 Deciding applications

- (1) The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.
- (2) If the authority approves the application, the authority may impose conditions on the giving of the assistance.

ENDNOTES

- 1 Made by the Governor in Council on 26 September 2019.
- 2 Notified on the Queensland legislation website on 27 September 2019.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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