

# Waste Reduction and Recycling Bill 2011

## Amendments agreed to during Consideration

### 1 **Clause 9 (Meaning of waste and resource management hierarchy)**

Page 26, lines 8 to 18—

*omit, insert—*

- ‘(a) AVOID unnecessary resource consumption;
- (b) REDUCE waste generation and disposal;
- (c) RE-USE waste resources without further manufacturing;
- (d) RECYCLE waste resources to make the same or different products;
- (e) RECOVER waste resources, including the recovery of energy;
- (f) TREAT waste before disposal, including reducing the hazardous nature of waste;
- (g) DISPOSE of waste only if there is no viable alternative.’.

### 2 **Before clause 25**

Page 34, line 10—

*omit, insert—*

## ‘Part 1 Preliminary

### ‘24A Main purpose

‘The main purpose of this chapter is to impose a levy on waste delivered to a levyable waste disposal site, and to allow for an exemption from the levy, or a nil levy rate, for particular waste, including municipal solid waste.’.

**3 Clause 25 (Definitions for ch 3)**

Page 35, lines 31 and 32, ‘as part of measures to reduce a risk to public health or the environment’—

*omit, insert—*

‘as part of action taken by an authorised person under the Environmental Protection Act, section 467, or by a person as directed or authorised by an authorised person under that section’.

**4 Clause 31 (Grant of application)**

Page 40, after line 20—

*insert—*

‘(4) If an approval has been granted, it may be amended by agreement between the chief executive and the holder of the approval.

‘(5) If the holder asks for the amendment, the request must be accompanied by the fee prescribed under a regulation.’.

**5 Clause 36 (Imposition of waste levy)**

Page 43, line 13, before ‘disaster management waste’—

*insert—*

‘clean earthen material or’.

**6 Clause 38 (Resource recovery deduction)**

Page 44, after line 12—

*insert—*

‘(5) In this section—

*stockpiled waste* does not include clean earthen material, disaster management waste or green waste that in each case has been stockpiled separately from all other stockpiled waste at the levyable waste disposal site.’.

**7 Clause 40 (Person delivering waste to levyable waste disposal site to give information as required by operator of site)**

Page 45, after line 17—

*insert—*

‘(1A) If the operator asks the person to give the information in the approved form, the person must comply with the request unless the person has a reasonable excuse.

Maximum penalty—300 penalty units.’.

**8 Clause 41 (Remitting waste levy amounts to State)**

Page 47, line 9, after ‘site’—

*insert—*

‘while it is a section 297 small site’.

**9 Clause 41 (Remitting waste levy amounts to State)**

Page 47, line 10, ‘small site’—

*omit, insert—*

‘section 297 small site’.

**10 Clause 41 (Remitting waste levy amounts to State)**

Page 47, lines 17 to 19—

*omit, insert—*

‘June 2014.’.

**11 Clause 41 (Remitting waste levy amounts to State)**

Page 47, after line 25—

*insert—*

‘*section 297 small site* means a small site the operator of which, under section 297, is not required to comply with the requirement of section 44(2) to measure and record waste in

compliance with the waste measurement criteria prescribed under a regulation.’.

**12 Clause 44 (Measurement of waste other than by weighbridge)**

Page 50, lines 5 to 7—

*omit, insert—*

- ‘(1) This section applies to waste that is the subject of any delivery or movement in relation to a levyable waste disposal site if the delivery or movement is of a type mentioned in section 43(2)(a), (b), (c) or (d) and for’.

**13 Clause 46 (Volumetric survey for levyable waste disposal site)**

Page 51, after line 24—

*insert—*

- ‘(1A) A person required to comply with subsection (1) continues to be a person who must comply with the subsection even if waste may no longer be delivered to the site, and even if the site ceases to be a levyable waste disposal site, but the carrying out of the survey and the giving of a copy of the results to the chief executive may happen earlier than when otherwise required under the subsection.’.

**14 Clause 49 (Keeping of results of volumetric survey)**

Page 53, line 5, after ‘hard copy’—

*insert—*

‘or electronic’.

**15 Clause 51 (Submission of waste data returns)**

Page 54, line 20, after ‘57’—

*insert—*

‘or 58’.

**16 Clause 61 (Declaration of resource recovery area)**

Page 65, after line 28—

*insert—*

- ‘(6) The operator of a levyable waste disposal site in relation to which a resource recovery area has been declared, or an entity having responsibility for the operation of a resource recovery area, may cancel the area’s declaration as a resource recovery area.
- ‘(7) The operator or entity must advise the chief executive of its intention to cancel the declaration at least 30 days before the cancellation is to take effect.

Maximum penalty—100 penalty units.

- ‘(8) If a resource recovery area is cancelled under this section—
  - (a) the cancelled area becomes part of the levyable waste disposal site; and
  - (b) all waste within the cancelled area, other than clean earthen material, disaster management waste or green waste that in each case has been stockpiled separately from all other stockpiled waste, is taken to have been delivered to the levyable waste disposal site and is, for the purposes of the waste levy, taken to be either—
    - (i) if the waste is regulated waste—regulated waste delivered to the levyable waste disposal site on the day the cancellation took effect; or
    - (ii) for all other waste—levyable waste delivered to the levyable waste disposal site on the day the cancellation took effect, and for which the waste levy is payable at the rate prescribed for commercial and industrial waste.’.

**17 Clause 62 (Effect of declaration of resource recovery area)**

Page 65, line 32, after ‘revoked’—

*insert—*

‘or cancelled’.

**18 Clause 62 (Effect of declaration of resource recovery area)**

Page 66, line 5, after ‘site’—

*insert—*

‘, other than clean earthen material, disaster management waste or green waste that in each case has been stockpiled separately from all other stockpiled waste in the resource recovery area.’.

**19 Clause 62 (Effect of declaration of resource recovery area)**

Page 66, line 9, ‘waste delivered’—

*omit, insert—*

‘levyable waste delivered’.

**20 Clause 63 (Revocation of resource recovery area by chief executive)**

Page 66, line 27, ‘all waste within the revoked area’—

*omit, insert—*

‘all waste within the revoked area, other than clean earthen material, disaster management waste or green waste that in each case has been stockpiled separately from all other stockpiled waste.’.

**21 Clause 63 (Revocation of resource recovery area by chief executive)**

Page 67, line 1, ‘waste delivered’—

*omit, insert—*

‘levyable waste delivered’.

**22 Clause 65 (Volumetric survey for resource recovery area)**

Page 68, line 13, after ‘hard copy’—

*insert—*

‘or electronic’.

**23 Clause 65 (Volumetric survey for resource recovery area)**

Page 68, after line 27—

*insert—*

- ‘(9) A person required to comply with subsection (1) continues to be a person who must comply with the subsection even if the declaration of the area as a resource recovery area is revoked or cancelled, but the carrying out of the survey and the giving of a copy of the results to the chief executive may happen earlier than when otherwise required under the subsection.’.

**24 Clause 140 (Planning entity’s waste reduction and recycling plan obligation)**

Page 119, lines 29 to 33—

*omit, insert—*

- ‘(3) A planning entity must comply with the obligation stated in subsection (1) unless it has a reasonable excuse.  
Maximum penalty—100 penalty units.
- ‘(4) However, subsection (3) does not start to apply to an entity until 1 year after it becomes a planning entity.’.

**25 Clause 330 (Insertion of new ch 6, pt 4, div 8C)**

Page 238, lines 7 to 12—

*omit, insert—*

- ‘(3) If the carbon abatement interest relates to a part of a lot, the document may only be registered if—

- (a) a plan of survey has been registered, designating the part of the lot as being the subject of a carbon abatement interest; and
- (b) the document includes a description identifying the part of the lot designated on the registered plan of survey.’.

**26 Clause 334 (Insertion of new pt 6, div 4C)**

Page 246, lines 19 to 24—

*omit, insert—*

- ‘(3) If the carbon abatement interest relates to a part of a lot, the instrument may only be registered if—
  - (a) a plan of survey has been registered, designating the part of the lot as being the subject of a carbon abatement interest; and
  - (b) the instrument includes a description identifying the part of the lot designated on the registered plan of survey.’.

**27 Schedule (Dictionary)**

Page 292, after line 8—

*insert—*

‘***clean earth*** means earth that has trace elements and contaminant levels within the interim ecologically-based investigation levels for urban land use under the document titled ‘Schedule B(1)—Guidelines on the Investigation of Soil and Groundwater’, forming part of the National Environment Protection (Assessment of Site Contamination) Measure 1999, made by the National Environment Protection Council under the *National Environment Protection Council Act 1994* (Cwlth), section 14(1).

***clean earthen material*** means—

- (a) either of the following, if pulverised so that no piece has any dimension of more than 100mm—
  - (i) bricks, pavers or ceramics;

- (ii) concrete that does not have any steel reinforcing rods embedded in it; or
- (b) clean earth.’.

**28 Schedule (Dictionary)**

Page 293 after line 16—

*insert—*

‘**domestic premises** means either—

- (a) a single unit private dwelling; or
- (b) premises containing 2 or more separate flats, apartments or other dwelling units.’.

**29 Schedule (Dictionary)**

Page 294, after line 25—

*insert—*

‘**green waste** means waste that is grass cuttings, trees, bushes, shrubs, material lopped from trees, untreated timber or other waste that is similar in nature.’.

**30 Schedule (Dictionary)**

Page 295, after line 23—

*insert—*

‘**municipal solid waste**—

1 *Municipal solid waste* is waste—

- (a) generated as a result of the ordinary day-to-day use of domestic premises and either—
  - (i) taken from the premises by or on behalf of the person who generated the waste; or
  - (ii) collected by or on behalf of a local government as part of a waste collection and

disposal system regularly operating in its local government area; or

- (b) generated from any of the following activities carried out by or on behalf of a local government—
  - (i) street sweeping;
  - (ii) maintenance of parks, gardens or other public spaces;
  - (iii) servicing of street litter bins;
  - (iv) occasional bulky items collection from domestic premises.

2 However, waste is not *municipal solid waste*—

- (a) if it is taken from domestic premises under a commercial arrangement; or

*Example—*

waste collected in a skip supplied by a commercial operator

- (b) if it is generated at domestic premises as a result of a commercial arrangement; or

*Example—*

waste generated by a builder paid to perform renovations

- (c) to the extent it is the subject of a commercial activity prescribed under a regulation.

### 31 Schedule (Dictionary)

Page 299, lines 29 and 30—

*omit, insert—*

‘***regulated waste*** means waste that is prescribed under a regulation as regulated waste.’

### 32 Schedule (Dictionary)

Page 301, after line 28—

*insert—*

*‘untreated timber* means timber that has not been painted or treated with chemical preservatives to protect it against damage from insects, fungus, rot or the weather or other infestations or damage.’.

### 33 Schedule (Dictionary)

Page 302, lines 17 to 20—

*omit, insert—*

*‘waste facility—*

- 1 A *waste facility* is a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy, sorting, consolidation or disposal (including by disposal to landfill) of waste.
- 2 However, a *waste facility* does not include a facility that is lawfully operated for the sole purpose of disposing of waste generated by an environmentally relevant activity carried out under the Environmental Protection Act (the *relevant activity*), if—
  - (a) the waste is generated only by, and its generation is ancillary to, the operation of the relevant activity; and
  - (b) the relevant activity is not a waste management ERA; and
  - (c) the facility is operated by, for, or in direct association with, the entity carrying out the relevant activity.’.

### 34 Schedule (Dictionary)

Page 302, after line 24—

*insert—*

*‘waste management ERA* means any of the following activities to the extent the activity is prescribed under the Environmental Protection Act as an environmentally relevant activity—

- (a) metal recovery;
- (b) crushing, milling, grinding or screening of materials;
- (c) battery recycling;
- (d) composting and soil conditioner manufacturing;
- (e) drum and container reconditioning;
- (f) regulated waste recycling or reprocessing;
- (g) regulated waste storage;
- (h) regulated waste transport;
- (i) regulated waste treatment;
- (j) tyre recycling;
- (k) waste disposal;
- (l) waste incineration and thermal treatment;
- (m) operation of a waste transfer station.’.

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