



Queensland

Waste Reduction and Recycling Act 2011

Waste Reduction and Recycling Regulation 2011

Current as at 1 July 2014

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Waste Reduction and Recycling Regulation 2011

[as amended by all amendments that commenced on or before 1 July 2014]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Waste Reduction and Recycling Regulation 2011*.

2 Commencement

- (1) The following provisions commence on 1 December 2011—
 - (a) part 3, divisions 3, 4, 5, 6 and 7;
 - (b) parts 4, 5 and 8;
 - (c) schedules 4, 5, 6, and 9, parts 2 and 3.
- (2) Schedule 9, part 1, commences on 2 December 2011.

3 Definitions

The dictionary in schedule 9 defines particular words used in this regulation.

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Part 2 **Types of waste**

6 **Regulated waste**

For the Act, schedule, definition regulated waste, waste is prescribed as regulated waste if it is regulated waste under the Environmental Protection Regulation 2008.

Part 2A **Designation of areas by local governments for general or green waste collection**

7 **Designation of areas**

A local government may—

- (a) by resolution, designate areas within its local government area in which the local government may conduct general waste or green waste collection; and
- (b) decide the frequency of general waste or green waste collection in the designated areas.

Note—

If a local government conducts general waste or green waste collection as a significant business activity, see the Local Government Act 2009, chapter 3, part 2, division 2 (Business reform, including competitive neutrality) and the City of Brisbane Act 2010, chapter 3, part 3, division 2 (Business reform, including competitive neutrality).

Part 3 **Obligations of operators of waste disposal sites**

Division 1 **Weighbridges**

8 **Weighbridge requirement provision—Act, s 43**

- (1) For section 43(1) of the Act, each waste disposal site located in the local government area for a local government mentioned in schedule 5 is prescribed.
- (2) For section 43(2) of the Act, the prescribed day for installing a weighbridge at a waste disposal site is—
 - (a) if section 43(2) of the Act applies to the site on or before 31 December 2014—31 December 2014; or
 - (b) if section 43(2) of the Act starts applying to the site after 31 December 2014—the day that is within 1 year after the day the section starts applying to the site.

Division 2 **Waste data returns**

9 **Prescribed waste disposal sites—Act, s 52**

For section 52(1) of the Act, all waste disposal sites are prescribed.

10 **Prescribed day for giving waste data return—Act, s 52**

For section 52(2) of the Act, the day prescribed for an operator of a waste disposal site to give the chief executive a waste data return for a reporting period is—

- (a) for a relevant schedule 5 site—the last business day of the month immediately following the end of the reporting period for the site; or

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- (b) for another waste disposal site—the last business day in the month of July occurring immediately after the end of the reporting period for the site.

11 Reporting period—Act, s 52

For section 52(2) of the Act—

- (a) each of the following periods in a financial year is prescribed as a reporting period for a relevant schedule 5 site—
 - (i) 1 July to 30 September;
 - (ii) 1 October to 31 December;
 - (iii) 1 January to 31 March;
 - (iv) 1 April to 30 June; and
- (b) the reporting period prescribed for a waste disposal site other than a relevant schedule 5 site is a financial year.

Part 4 Strategic planning for waste reduction and recycling

38 Prescribed day—ss 123(1), 133(1) and 141(4)

For sections 123(1), 133(1) and 141(4) of the Act, the day prescribed is 30 June 2015.

39 Prescribed planning entity—Act, s 139

- (1) The following sectors of entities are prescribed for the Act, section 139(2)—
 - (a) blood banks;
 - (b) hospitals;
 - (c) laboratories that generate clinical waste;

- (d) multi-service medical clinics;
- (e) veterinary hospitals.

(2) In this section—

blood bank means premises or a vehicle for receiving blood donations.

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

multi-service medical clinic means a medical centre that provides specialist procedures including radiology, pathology or surgical procedures.

veterinary hospital means premises at which veterinary science, within the meaning of the *Veterinary Surgeons Act 1936*, is practised.

Part 5 Reporting about waste management

40 Prescribed sector of reporting entities—Act, s 150

For the Act, section 150(2), the following sectors of entities are prescribed for a financial year—

- (a) entities carrying out a recycling activity during the financial year;
- (b) entities required, during the financial year, to hold an environmental authority under the *Environmental Protection Act 1994* for any of the following activities—
 - (i) crushing, milling, grinding or screening;
 - (ii) regulated waste recycling or reprocessing;
 - (iii) regulated waste treatment;
 - (iv) waste incineration and thermal treatment;

[s 41]

- (v) waste transfer station operation;
- (c) waste facilities required, during the financial year, to hold an environmental authority under the *Environmental Protection Act 1994* for the disposal of waste at the facility.

41 Prescribed threshold for reporting entities—Act, s 150

- (1) For the Act, section 150(4)(a), the threshold prescribed is that an entity received, sorted, recycled, treated or disposed of at least 1000 tonnes of waste in the financial year immediately preceding the reporting year.
- (2) In this section—

reporting year means a financial year for which a reporting entity has an obligation to give the chief executive a report in compliance with the requirements under chapter 7, part 2, division 2 of the Act.

Part 5A Used packaging materials

Division 1 Preliminary

Subdivision 1 General

41A Purpose of pt 5A

The purpose of this part is to give effect to, and enforce compliance with, the measure.

Subdivision 2 Interpretation

41B Definitions for pt 5A

In this part—

brand owner means—

- (a) a person who is the owner or licensee in Australia of a trade mark under which a product is sold or otherwise distributed in Australia, whether the trade mark is registered or not; or
- (b) a person who is the franchisee in Australia of a business arrangement that allows an individual, partnership or company to operate under the name of an already established business; or
- (c) for a product that has been imported—the first person to sell the product in Australia; or
- (d) for in-store packaging—the supplier of the packaging to the retailer; or
- (e) an importer or Australian manufacturer of plastic bags, or a retailer who supplies a plastic bag to a consumer for the transportation of products bought by consumers at the point of sale.

complying brand owner see section 41C.

consumer packaging means all packaging products made of any material, or combination of materials, for the containment, protection, marketing or handling of consumer products, and includes distribution packaging.

consumer packaging material see section 41D.

covenant means—

- (a) the ‘Australian Packaging Covenant’ made between governments and industry organisations to reduce the environmental impacts of consumer packaging; and
- (b) the annexures and schedules to the document mentioned in paragraph (a).

[s 41B]

covenant signatory means a signatory to the covenant, and includes a person that accedes to the covenant after it is made, whether before or after the commencement of this part.

distribution packaging means all packaging that contains multiples of products (the same or mixed) intended for direct consumer sale, including—

- (a) secondary packaging used to secure or unitise multiples of consumer products including, for example, cardboard boxes and shrink film overwrap; or
- (b) tertiary packaging used to secure or unitise multiples of secondary packaging including, for example, pallet wrapping stretch film, shrink film and strapping.

free rider means a brand owner who is part of the packaging chain but is not a covenant signatory or is not producing equivalent outcomes to those achieved through the covenant.

kerbside recycling collection means roadside collection of domestic solid waste separated for recycling.

local government recycling provider see section 41Q(1).

measure means the *National Environment Protection (Used Packaging Materials) Measure 2011* dated 16 September 2011 made under the *National Environment Protection Council Act 1994* (Cwlth), the *National Environment Protection Council (Queensland) Act 1994* and particular Acts of other States.

packaging chain means the linkages among materials suppliers, packaging manufacturers, packaging fillers, wholesalers, retailers and consumers of packaged products.

plastic bag includes a single use lightweight plastic carry bag containing virgin or recycled plastic.

recover, for consumer packaging material, means that the consumer packaging material—

- (a) is reused; or
- (b) is recycled; or
- (c) becomes a secondary resource.

recovery rate see section 41E.

recycle, for a product, means use the product as a raw material to produce another product.

registered, for a trade mark, means registered under the *Trade Marks Act 1995* (Cwlth).

reuse, for a product, means use the product for the same or similar purpose as its original purpose without subjecting the product to a manufacturing process that would change its physical appearance.

secondary resource means a resource used or to be used—

- (a) to manufacture new consumer packaging or another product to replace raw or virgin materials; or
- (b) for energy recovery.

41C Meaning of *complying brand owner*

A ***complying brand owner*** is a brand owner—

- (a) who is a covenant signatory and is complying with the covenant; or
- (b) who is not a covenant signatory but is a brand owner to whom any of the following apply—
 - (i) the brand owner uses consumer packaging in which the brand owner's products are sold in a way that achieves environmental outcomes at least equivalent to the environmental outcomes stated for the packaging under the covenant;
 - (ii) the brand owner's business has, in the most recent financial year, had a gross turnover of less than \$5m;
 - (iii) the brand owner does not use consumer packaging.

[s 41D]

41D Meaning of *consumer packaging material*

- (1) *Consumer packaging material* is consumer packaging made of one or more of the following materials—
- (a) paper;
 - (b) cardboard;
 - (c) steel;
 - (d) aluminium;
 - (e) polyethylene terephthalate (PET) plastics;
 - (f) high density polyethylene (HDPE) plastics;
 - (g) other plastics, including—
 - (i) unplasticised polyvinyl chloride (UPVC) plastics;
or
 - (ii) plasticised polyvinyl chloride (PPVC) plastics; or
 - (iii) low density polyethylene (LDPE) plastics; or
 - (iv) polypropylene (PP) plastics; or
 - (v) polystyrene (PS) plastics; or
 - (vi) expandable polystyrene (EPS) plastics.
- (2) *Consumer packaging material*, for a brand owner, is—
- (a) for a retailer—a plastic bag given or sold to a consumer for the transportation of products bought by the consumer from the retailer; or
 - (b) for an importer or Australian manufacturer of plastic bags—a plastic bag imported or manufactured, other than a plastic bag given or sold to a retailer for use as mentioned in paragraph (a); or
 - (c) for all other brand owners—consumer packaging material sold in carrying on the brand owner’s business.

41E Meaning of *recovery rate*

The *recovery rate*, for a brand owner, is the rate at which consumer packaging material is recovered by or for the brand owner, and is worked out by using the formula—

$$R = \frac{WR}{WS} \times 100\%$$

where—

R means the brand owner's recovery rate.

WR means the weight of the consumer packaging material recovered by or for the brand owner.

WS means the weight of the brand owner's consumer packaging material sold in Australia.

41F General

Unless this part provides otherwise, expressions used in this part that are defined in the measure have the meaning given to them in the measure.

Division 2 Responsibilities of particular brand owners

41G Application of div 2

- (1) This division applies to a brand owner other than a complying brand owner.
- (2) Despite subsection (1), this division applies to a brand owner only if the brand owner has received written notice of the brand owner's obligations under this division under section 41H.

41H Brand owner to be notified of obligations

If the chief executive is satisfied on reasonable grounds in the circumstances that a brand owner is not a complying brand

[s 41I]

owner, the chief executive may give a written notice to the brand owner stating the following—

- (a) that the division is in force;
- (b) that the division applies to the brand owner;
- (c) that the division does not apply to a complying brand owner.

41I Brand owner to achieve recovery rate of consumer packaging material

- (1) A brand owner must achieve a recovery rate of at least 70% in a financial year.

Maximum penalty—20 penalty units.

- (2) A brand owner may comply with subsection (1) by undertaking, or ensuring, the recovery of consumer packaging material that is of a size and type substantially the same as the brand owner's consumer packaging material.

Example—

A brand owner that packages its product in glass complies with subsection (1) if it recovers wine bottles that are not the brand owner's consumer packaging material.

41J Special provision for brand owner notified of obligations in 2012–2013 financial year

- (1) This section applies if a brand owner is given a notice under section 41H in the 2012–2013 financial year.
- (2) The brand owner must achieve a recovery rate of at least 70% from the day the brand owner receives a notice under section 41H until the end of the financial year.

Maximum penalty—20 penalty units.

41K Special provision for brand owner notified of obligations during a financial year

- (1) This section applies if a brand owner is given a notice under section 41H in a financial year other than the 2012–2013 financial year.
- (2) The brand owner must take reasonable steps to achieve a recovery rate of at least 70% for all of the financial year.
Maximum penalty—20 penalty units.
- (3) Subsection (2) applies to a brand owner even though the notice under section 41H was not given to the brand owner before the start of the financial year that the notice relates to.

41L Action plans

- (1) A brand owner must—
 - (a) create an action plan for a financial year that complies with the requirements of subsections (2) and (3); and
 - (b) give each action plan to the chief executive—
 - (i) 30 days after the brand owner receives a notice under section 41H; and
 - (ii) for every subsequent financial year—at least 30 days before the start of the financial year.

Note—

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

- (2) The brand owner's action plan must, to the greatest possible extent, contain the following information—
 - (a) how the brand owner will ensure the systematic recovery of the brand owner's consumer packaging material, or packaging that is substantially the same as the brand owner's consumer packaging material;
 - (b) the quantity of each type of consumer packaging material sold and that is proposed to be recovered;

[s 41M]

- (c) how the brand owner intends to ensure the quantity proposed under paragraph (b) will be recovered;
 - (d) either—
 - (i) that all consumer packaging material to be recovered by or for the brand owner will be recovered in the following order (the *preferred order*)—
 - (A) for use in the brand owner’s consumer packaging material;
 - (B) for use within the State as a secondary resource;
 - (C) for use within Australia as a secondary resource;
 - (D) for export as a secondary resource; or
 - (ii) that the brand owner considers it will be impracticable to recover the consumer packaging materials in the preferred order;
 - (e) if paragraph (d)(ii) applies—
 - (i) reasons why the brand owner considers the preferred order impracticable; and
 - (ii) the order in which the materials will be recovered;
 - (f) how the brand owner intends to inform the public of the way the consumer packaging material is to be recovered.
- (3) The quantity mentioned in subsection (2)(b) must consist of at least the percentage of consumer packaging material required to be recovered by or for the brand owner as stated in section 41I, 41J or 41K.

41M Brand owner not complying within financial year

- (1) This section applies if the chief executive reasonably believes that—

-
- (a) in the financial year immediately before the current financial year a brand owner did not comply with the recovery rate under section 41I, 41J or 41K; and
 - (b) in the current financial year the brand owner will not achieve the recovery rate stated in section 41I for the financial year.
 - (2) The chief executive may give a notice to the brand owner that states the following—
 - (a) the chief executive reasonably believes the matters stated in subsection (1);
 - (b) that the brand owner is required, within a reasonable time stated in the notice, to state what steps have been taken, or will be taken, that are consistent with achieving the recovery rate stated in section 41I for the current financial year;
 - (c) failure to comply with the notice may result in the chief executive taking action under chapter 11 of the Act;
 - (d) the consequences of failing to comply with the compliance notice issued under chapter 11 of the Act;
 - (e) that submissions may be made about why the chief executive should not take action under chapter 11 of the Act;
 - (f) how the submissions may be made;
 - (g) where the submissions may be made or sent;
 - (h) a period within which the submissions must be made.
 - (3) The time stated in the notice under subsection (2)(b) must end at least 14 business days after the notice is given.
 - (4) A brand owner who has been issued with a notice under subsection (2) may apply to the chief executive for an extension of time to comply with the notice.
 - (5) The application under subsection (4) must—
 - (a) be made before the day stated in the notice under subsection (2)(b); and

[s 41N]

- (b) state the reasons why the extension should be granted.
- (6) The chief executive may grant the application only if the chief executive believes that it is reasonable to extend the time stated in the notice.
- (7) The chief executive must, within 10 business days after an application under subsection (4) is received, decide whether to grant the extension and—
 - (a) if the decision is to grant the extension—give the brand owner a written notice stating the new date by which the brand owner must comply with the notice; or
 - (b) if the decision is to refuse the extension—give the brand owner a written notice stating that the application is refused.
- (8) If the chief executive fails to advise the brand owner under subsection (7), the application for an extension is taken to have been refused.
- (9) The brand owner must comply with the requirement mentioned in subsection (2)(b), or make submissions as mentioned in subsection (2)(e), within—
 - (a) the time stated in the notice given under subsection (2); or
 - (b) if an extension of time has been granted by the chief executive—the new time decided by the chief executive.

Note—

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

41N Brand owner to keep information and give information to chief executive

- (1) A brand owner must prepare, for each financial year, and keep for at least 5 years after the end of the financial year—
 - (a) the following information about each type of material for consumer packaging used by the brand owner in the year—

- (i) the number of consumer packaging items made from the type of material;
 - (ii) the total weight of the type of material;
 - (iii) the total weight of the type of material sold in Australia; and
- (b) the following information about the consumer packaging material recovered by or for the brand owner in the financial year—
- (i) the total weight of each type of the consumer packaging material;
 - (ii) how much of each type of consumer packaging material was reused or recycled in Australia;
 - (iii) how much of each type of consumer packaging material was exported for reuse or recycling;
 - (iv) how much of the consumer packaging material was used for energy recovery;
 - (v) the recovery rate for the consumer packaging material; and
- (c) information about the weight of the consumer packaging material that was collected by or for the brand owner in the financial year and that was disposed of as landfill; and
- (d) information about how consumers were advised about how the consumer packaging material would be recovered.

Note—

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

- (2) A brand owner must, for each financial year, give the information stated in subsection (1) to the chief executive by 30 September after the end of the financial year, unless the person has a reasonable excuse.

[s 41O]

Note—

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

- (3) It is a reasonable excuse for an individual not to give the information stated in subsection (1) if giving the information might tend to incriminate the individual or expose the individual to a penalty.
- (4) In this section—

material, for consumer packaging, means consumer packaging made from—

 - (a) any type of consumer packaging material; or
 - (b) material other than consumer packaging material (***non-consumer packaging material***); or
 - (c) a combination of consumer packaging material and non-consumer packaging material.

41O Request for exemption on ground of commercial confidentiality

- (1) A brand owner may, by written notice given to the chief executive, ask for an exemption from the requirement stated in section 41N(2) on the grounds of commercial confidentiality.
- (2) The notice must contain the information necessary to enable the chief executive to decide the request.
- (3) The chief executive may, by written notice given to the brand owner, ask the brand owner to give the chief executive, in the reasonable period stated in the notice, further relevant information to enable the chief executive to decide the request.
- (4) A notice under subsection (3) must be accompanied by, or include, the reasons the chief executive has made the request for further information.

41P Deciding request for exemption

- (1) The chief executive may grant a request for exemption under section 41O only if the chief executive reasonably believes the information would be—
 - (a) exempt information under the *Right to Information Act 2009*; or
 - (b) information disclosure of which could reasonably be expected to cause a public interest harm as mentioned in the *Right to Information Act 2009*, schedule 4, part 4, section 7.
- (2) If the chief executive grants the exemption, the brand owner is exempted from giving the information under section 41N(2) to the chief executive.
- (3) The chief executive must give the brand owner written notice of the chief executive's decision on the request for exemption.
- (4) If the chief executive refuses to grant the request, the notice must be an information notice about the decision to refuse to grant the request.
- (5) Subsection (6) applies if the chief executive does not give the brand owner a notice about the chief executive's decision on the request—
 - (a) within 60 days after the request is made; or
 - (b) if the brand owner gave the chief executive further information under section 41O(3)—within 60 days after receiving the further information.
- (6) The chief executive's failure to give the notice is taken to be a decision by the chief executive to refuse to grant the request at the end of the 60 days.

[s 41Q]

Division 3 Kerbside recycling collectors to give information to chief executive

41Q Local government to give information to chief executive

- (1) This section applies to a local government, or a regional grouping of local governments, that operates or provides a kerbside recycling collection service or other recycling system within a local government area (a *local government recycling provider*).
- (2) If the local government recycling provider operates or provides a kerbside recycling collection service, the local government recycling provider must, within 3 months after the end of each financial year in which the kerbside recycling collection service operates, give to the chief executive the following information for the financial year—
 - (a) the percentage of households with access to the kerbside recycling collection service;
 - (b) the participation rate for the kerbside recycling collection service;
 - (c) the fee charged to each household for the collection service;
 - (d) the total weight of recyclable material, however collected, in the local government area or areas;
 - (e) if the recyclable material collected is sorted—
 - (i) the total weight of each type of recyclable material collected; and
 - (ii) if practicable, the total weight of each type of recyclable material that is the residue disposed of as landfill.
- (3) If the local government recycling provider operates or provides another recycling service, the local government recycling provider must, within 3 months after the end of each financial year in which the kerbside recycling collection service operates, give the chief executive information about

the percentage of households with access to the recycling system.

- (4) If, after the commencement of this part, a local government recycling provider enters into a contract with another person, or an existing contract is renewed or novated, to provide a kerbside recycling collection service, the local government recycling provider must include an obligation in the contract for the other person to give the provider the information contained in subsections (2) and (3).

- (5) In this section—

household includes residential premises and non-residential premises supplied with a container for the collection of recyclable material by the operator of the service.

participation rate, for a kerbside recycling collection service, means the number of households or other premises making use of the service, expressed as a proportion of the number of households or premises to which the service is available.

recyclable material means material reasonably able to be recycled.

41R Kerbside recycling collectors to give information to chief executive

- (1) This section applies if—
- (a) a person other than a local government or regional grouping of local governments provides a kerbside recycling collection service in a local government area under a contract; and
 - (b) the contract does not require the person to give the information stated in section 41Q(2) and (3) to the local government or the regional grouping.
- (2) The chief executive may, at least one month before the end of the financial year to which the information relates, give a notice to the person stating the following—
- (a) the information stated in section 41Q(2) and (3) that is required from the person;

[s 41S]

- (b) that the information must be given within 3 months after the end of the financial year to which the information relates;
 - (c) that failure to comply with the notice may result in the chief executive taking action under chapter 11 of the Act;
 - (d) the consequences of failing to comply with a compliance notice issued under chapter 11 of the Act.
- (3) The person must provide the information stated in the notice to the chief executive within 3 months after the end of the financial year to which the information relates.

Note—

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

Division 4 Chief executive reporting requirements

41S Chief executive to give council information

- (1) Within 6 months after the end of a financial year, the chief executive must give the council the following for the financial year—
- (a) aggregate information based on information received from brand owners under section 41N;
 - (b) aggregate information based on information received from local government recycling providers under section 41Q and from kerbside recycling collectors under section 41R;
 - (c) information gathered through surveys conducted under section 41T;
 - (d) information about—
 - (i) complaints received by the chief executive about matters arising under this part; and

- (ii) investigations undertaken for the purposes of this part; and
 - (iii) prosecutions undertaken for offences under this part;
 - (e) a statement of interpretation that summarises and explains the information provided under this section.
- (2) In this section—
- council* means the Australian Packaging Covenant Council.

Division 5 Other provisions

41T Survey of brand owners

The chief executive may conduct a brand survey of packaged products or a survey of brand owners to determine the effectiveness of this part in stopping brand owners from being free riders.

41U Review of part

- (1) The chief executive must carry out a review of the operation of this part.
- (2) The review must be carried out at least every 5 years, but it may be undertaken more often if—
 - (a) the Minister directs the chief executive to conduct a review; or
 - (b) the covenant or the measure is being reviewed.
- (3) The objects of the review include—
 - (a) evaluating the effectiveness of this part to prevent a brand owner from being a free rider; and
 - (b) deciding whether this part aligns with applicable waste management strategies, priority product statements or product stewardship arrangements then in effect.

[s 41V]

- (4) The chief executive may conduct the review by surveying brand owners.

41V Person not required to comply with part if measure or covenant not in force

A person is not required to comply with this part if either of the following are not in force—

- (a) the covenant;
- (b) the measure.

Division 6 Expiry

41W Expiry of pt 5A

This part expires on 16 September 2016.

Part 6 Miscellaneous

42 Prescribed persons—Act, s 183

For the Act, section 183(1)(c), the following persons are prescribed—

- (a) a council employee under the *City of Brisbane Act 2010*;
- (b) a local government employee under the *Local Government Act 2009*.

42A Prescribed provisions for Act, s 245

The following provisions of this regulation are prescribed provisions for the Act, section 245, definition *prescribed provision*, paragraph (b)—

- section 41L(1);

- section 41M(9);
- section 41N(1) and (2);
- section 41R(3).

43 Prescribed commercial activity—Act, schedule, definition *municipal solid waste*

The following commercial activities are prescribed for the Act, schedule, definition *municipal solid waste*, item 2, paragraph (c)—

- (a) sorting of waste;
- (b) resource recovery from waste;
- (c) reprocessing and recycling operations.

44 Prescribed recycling activity—Act, schedule, definition *recycling activity*

(1) The following activities are prescribed for the Act, schedule, definition *recycling activity*, paragraph (j)—

- (a) mulching green waste;
- (b) recycling construction and demolition waste;
- (c) recycling mattresses;
- (d) composting and soil conditioner manufacturing.

(2) In this section—

composting and soil conditioner manufacturing means manufacturing, from organic material or organic waste, compost or soil conditioners other than—

- (a) manufacturing mushroom growing substrate; or
- (b) composting material from agriculture or livestock on the site where the material is produced.

[s 44]

construction and demolition waste—

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

organic waste—

- (a) includes the following—
 - (i) a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - (ii) animal manure;
 - (iii) biosolids;
 - (iv) cardboard and paper waste;
 - (v) fish processing waste;
 - (vi) food and food processing waste;
 - (vii) plant material;
 - (viii) poultry processing waste;
 - (ix) waste generated from an abattoir; but
- (b) does not include—
 - (i) clinical waste; or
 - (ii) related waste; or
 - (iii) contaminated soil; or
 - (iv) organic chemicals, other than a substance mentioned in paragraph (a)(i); or
Examples of organic chemicals for subparagraph (iv)—
 - chlorinated hydrocarbons, lubricating greases, pesticides,
tars
 - (v) plastics that are not compostable.

45 Fees

The fees payable under the Act are in schedule 7.

Schedule 5 Local governments for waste disposal sites—weighbridge requirement provision

section 8

- 1 Banana Shire Council
- 2 Brisbane City Council
- 3 Bundaberg Regional Council
- 4 Burdekin Shire Council
- 5 Cairns Regional Council
- 6 Cassowary Coast Regional Council
- 7 Central Highlands Regional Council
- 8 Charters Towers Regional Council
- 9 Fraser Coast Regional Council
- 10 Gladstone Regional Council
- 11 Gold Coast City Council
- 13 Gympie Regional Council
- 14 Hinchinbrook Shire Council
- 15 Ipswich City Council
- 16 Isaac Regional Council
- 17 Lockyer Valley Regional Council
- 18 Logan City Council
- 19 Mackay Regional Council
- 20 Moreton Bay Regional Council
- 21 Mount Isa City Council
- 22 North Burnett Regional Council
- 23 Redland City Council

- 24 Rockhampton Regional Council
- 25 Scenic Rim Regional Council
- 26 Somerset Regional Council
- 27 South Burnett Regional Council
- 28 Southern Downs Regional Council
- 29 Sunshine Coast Regional Council
- 30 Tablelands Regional Council
- 31 Toowoomba Regional Council
- 32 Townsville City Council
- 33 Western Downs Regional Council
- 34 Whitsunday Regional Council

Schedule 7 Fees

section 45

	\$
1 Application for accreditation (Act, s 89(2)(c))	344.60
2 Application for a specific approval of a resource (Act, s 157(2)(d))—	
(a) for irrigation of a liquid resource to land as a soil conditioner or fertiliser—	
(i) if the resource is a result of coal seam gas extraction.	15,743.00
(ii) otherwise	6301.00
(b) for application of sludge or soil resource to land as a soil conditioner or fertiliser—	
(i) if the resource is biosolids.	2368.00
(ii) otherwise	6301.00
(c) for using a resource for an industrial activity—	
(i) if associated with the carrying out of an ERA	3154.00
(ii) otherwise	4727.00
(d) for using a resource for augmenting water supply.	55,080.00
(e) otherwise	2368.00
3 Application to transfer the benefit of an approval (Act, s 168(2)(d))	114.10
4 Application to amend an approval (Act, s 168(2)(d))—	
(a) for an amendment of a condition to add a new site	50% of the application fee mentioned in item 2

	\$
(b) for any other amendment	25% of the application fee mentioned in item 2

Schedule 9 Dictionary

section 3

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.

biosolids—

- (a) means stabilised organic solids produced by wastewater treatment processes; but
- (b) does not include untreated wastewater sludge, industrial sludge or by-products from high temperature incineration of sewerage sludge.

brand owner, for part 5A, see section 41B.

chemical see the *Environmental Protection Regulation 2008*, schedule 12.

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.

complying brand owner, for part 5A, see section 41C.

consumer packaging, for part 5A, see section 41B.

consumer packaging material, for part 5A, see section 41D.

covenant, for part 5A, see section 41B.

covenant signatory, for part 5A, see section 41B.

- (a) mentioned in schedule 6, table 1, column 1 or a skip-bin truck; and

- (b) in which waste is delivered to a levyable waste disposal site, or moved under a movement of a type mentioned in section 44(2)(a), (b), (c) or (d) of the Act.

distribution packaging, for part 5A, see section 41B.

free rider, for part 5A, see section 41B.

general waste see the *Environmental Protection (Waste Management) Regulation 2000*, schedule 9.

green waste see the *Environmental Protection (Waste Management) Regulation 2000*, schedule 9.

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;
- (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.

kerbside recycling collection, for part 5A, see section 41B.

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

local government recycling provider, for part 5A, see section 41Q(1).

measure, for part 5A, see section 41B.

packaging chain, for part 5A, see section 41B.

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

plastic bag, for part 5A, see section 41B.

recovery rate, for part 5A, see section 41E.

recycle, for part 5A, see section 41B.

registered, for part 5A, see section 41B.

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

relevant schedule 5 site means a waste disposal site located in the local government area of a local government mentioned in schedule 5, if the operator of the site is required to hold an environmental authority for the disposal of more than 5000t of waste in a year at the site.

reuse, for part 5A, see section 41B.

secondary resource, for part 5A, see section 41B.

vehicle see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

Endnotes

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2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory

Endnotes

requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
0A	none	18 November 2011	majority of provs commenced
0B	none	1 December 2011	certain provs commenced
1	2011 SL No. 231 2011 SL No. 258	2 December 2011	
1A	2012 SL No. 77 2012 SL No. 90	1 July 2012	
1B	2012 SL No. 114	1 August 2012	
1C	2012 SL No. 180	19 October 2012	

Current as at	Amendments included	Notes
20 September 2013	2013 SL No. 182	
18 October 2013	2013 SL No. 204	
1 July 2014	2014 SL No. 115	RA ss 35, 44

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Waste Reduction and Recycling Regulation 2011 SL No. 231

made by the Governor in Council on 17 November 2011

notfd gaz 18 November 2011 pp 547–8

ss 1–2 commenced on date of notification

pt 3 divs 3–7, pts 4–5, 8, sch 4–6, 9 pts 2–3 commenced 1 December 2011 (see s 2(1))

sch 9 pt 1 commenced 2 December 2011 (see s 2(2))

remaining provisions commenced on date of notification

exp 1 September 2022 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Waste Reduction and Recycling Regulation 2011 SL No. 231 ss 1, 2(2), 49 sch 9 pt 1

notfd gaz 18 November 2011 pp 547–8

ss 1–2 commenced on date of notification

remaining provisions commenced 2 December 2011 (see s 2(2))

Waste Reduction and Recycling Amendment Regulation (No. 1) 2011 SL No. 258

notfd gaz 2 December 2011 pp 658–9

commenced on date of notification

Waste Reduction and Recycling Amendment Regulation (No. 1) 2012 SL No. 77

notfd gaz 22 June 2012 pp 364–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2012 (see s 2)

Health and Hospitals Network and Other Legislation Amendment Regulation (No. 1) 2012 SL No. 90 pt 1, s 41 sch

notfd gaz 29 June 2012 pp 704–10

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2012 (see s 2)

Environment and Heritage Protection Legislation Amendment Regulation (No. 1) 2012 SL No. 114 pts 1, 5

notfd gaz 27 July 2012 pp 927–9

ss 1–2 commenced on date of notification

remaining provisions commenced 1 August 2012 (see s 2)

Waste Reduction and Recycling Amendment Regulation (No. 2) 2012 SL No. 180

notfd gaz 19 October 2012 pp 234–5

commenced on date of notification

Waste Reduction and Recycling and Other Legislation Amendment Regulation (No. 1) 2013 SL No. 182 pts 1, 4

notfd gaz 20 September 2013 pp 101–3

commenced on date of notification

Environment and Heritage Protection Legislation Amendment Regulation (No. 1) 2013 SL No. 204 pts 1, 9

notfd <www.legislation.qld.gov.au> 18 October 2013

commenced on date of notification

Environment and Heritage Protection Legislation Amendment Regulation (No. 1) 2014 SL No. 115 pts 1, 6

notfd <www.legislation.qld.gov.au> 20 June 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2014 (see s 2)

5 List of annotations

Definitions

s 3 amd 2011 SL No. 231 s 49 sch 9 pt 1

What is *commercial and industrial waste*

s 4 om 2013 SL No. 182 s 18

What is *construction and demolition waste*

s 5 om 2013 SL No. 182 s 18

Regulated waste

s 6 amd 2013 SL No. 182 s 19

PART 2A—DESIGNATION OF AREAS BY LOCAL GOVERNMENTS FOR GENERAL OR GREEN WASTE COLLECTION

pt hdg ins 2013 SL No. 182 s 20

Designation of areas

s 7 prev s 7 om 2012 SL No. 77 s 4
pres s 7 ins 2013 SL No. 182 s 20

PART 3—OBLIGATIONS OF OPERATORS OF WASTE DISPOSAL SITES

pt hdg sub 2013 SL No. 182 s 21

Division 1—Weighbridges

div hdg prev div 1 hdg om 2012 SL No. 77 s 5
pres div 1 hdg ins 2013 SL No. 182 s 21

Weighbridge requirement provision—Act, s 43

s 8 prev s 8 om 2012 SL No. 77 s 4
pres s 8 ins 2013 SL No. 182 s 21

Division 2—Waste data returns

div hdg prev div 2 hdg om 2012 SL No. 77 s 5
pres div 2 hdg ins 2013 SL No. 182 s 21

Prescribed waste disposal sites—Act, s 52

s 9 prev s 9 om 2012 SL No. 77 s 4
pres s 9 ins 2013 SL No. 182 s 21

Prescribed day for giving waste data return—Act, s 52

s 10 prev s 10 om 2012 SL No. 77 s 4
pres s 10 ins 2013 SL No. 182 s 21

Reporting period—Act, s 52

s 11 prev s 11 om 2012 SL No. 77 s 5
pres s 11 ins 2013 SL No. 182 s 21

Purpose of div 2

s 12 om 2012 SL No. 77 s 5

Contaminated soils

s 13 om 2012 SL No. 77 s 5

Waste to be used at a levyable waste disposal site

s 14 om 2012 SL No. 77 s 5

Division 3—Rate of waste levy

div hdg om 2013 SL No. 182 s 21

Rate of waste levy for types of waste—Act, s 38

s 15 amd 2012 SL No. 77 s 6

Division 4—Waste levy zone

div 4 (s 16) om 2013 SL No. 182 s 21

Division 5—Calculating waste levy

div hdg om 2012 SL No. 77 s 7

Subdivision 1—Requirements for calculating the waste levy imposed

sdiv 1 (ss 17–21) om 2012 SL No. 77 s 7

Subdivision 2—Resource recovery deduction

sdiv 2 (ss 22–24) om 2012 SL No. 77 s 7

Subdivision 3—Operational use discount

sdiv 3 (ss 25–27) om 2012 SL No. 77 s 7

Subdivision 4—Other calculations

sdiv 4 (ss 28–34) om 2012 SL No. 77 s 7

Division 6—Movement of waste

div 6 (s 35) om 2013 SL No. 182 s 21

Division 7—Measurement of waste other than by weighbridge

div hdg om 2013 SL No. 182 s 21

Weight measurement criteria—Act, s 45

s 36 amd 2011 SL No. 258 s 3

om 2013 SL No. 182 s 21

Division 8—Resource recovery areas

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s 38 sub 2013 SL No. 182 s 21–22

Prescribed planning entity—Act, s 139

s 39 amd 2012 SL No. 90 s 41 sch

Prescribed sector of reporting entities—Act, s 150

s 40 amd 2013 SL No. 182 s 23

PART 5A—USED PACKAGING MATERIALS

pt hdg ins 2012 SL No. 180 s 3

exp 16 September 2016 (see s 41W)

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Subdivision 1—General

sdiv 1 (s 41A) ins 2012 SL No. 180 s 3
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Division 2—Responsibilities of particular brand owners

div 2 (ss 41G–41P) ins 2012 SL No. 180 s 3
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Division 3—Kerbside recycling collectors to give information to chief executive

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Prescribed recycling activity—Act, schedule, definition recycling activity

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PART 7—TRANSITIONAL MATTERS

pt 7 (ss 46–48) om 2012 SL No. 77 s 8

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pt 8 (s 49) om 2011 SL No. 231 s 49 sch 9 pt 1

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om 2013 SL No. 182 s 25

SCHEDULE 2—PRE-CLASSIFIED CATEGORIES OF REGULATED WASTE

om 2012 SL No. 77 s 9

SCHEDULE 3—CONCENTRATION RANGES

om 2012 SL No. 77 s 9

SCHEDULE 4—WASTE LEVY RATES

om 2012 SL No. 77 s 9

SCHEDULE 5—LEVY ZONES

sch hdg sub 2013 SL No. 182 s 26(1)

sch 5 amd 2013 SL No. 182 s 26(2)

SCHEDULE 6—WEIGHT MEASUREMENT CRITERIA

amd 2011 SL No. 258 s 4

om 2013 SL No. 182 s 27

SCHEDULE 7—FEES

amd 2012 SL No. 77 s 10

sub 2012 SL No. 114 s 12; 2013 SL No. 204 s 26; 2014 SL No. 115 s 13

SCHEDULE 8—RESIDUE WASTE EFFICIENCY THRESHOLD

amd 2011 SL No. 258 s 5

om 2012 SL No. 77 s 9

SCHEDULE 9—DICTIONARY

sch 9 prev sch 9 amd ROB (see RA ss 40 and 7(1)(k))

om 2011 SL No. 231 s 49 sch 9 pt 1

pres sch 9 (prev sch 10) renum 2011 SL No. 231 s 49 sch 9 pt 1

amd 2013 SL No. 182 s 28(1)–(2)

def *acid sulfate soil* om 2013 SL No. 182 s 28(1)

def *alternative waste technology facility* ins 2011 SL No. 258 s 6(1)

om 2012 SL No. 77 s 11

def *articulated motor vehicle* om 2013 SL No. 182 s 28(1)

def *authorised on-site use* om 2013 SL No. 182 s 28(1)

def *brand owner* ins 2012 SL No. 180 s 5

def *C&D* om 2013 SL No. 182 s 28(1)

def *C&I* om 2013 SL No. 182 s 28(1)

def *car* om 2013 SL No. 182 s 28(1)

def *CCA* om 2012 SL No. 77 s 11

def *chemical waste* om 2013 SL No. 182 s 28(1)

def *compactor truck* om 2013 SL No. 182 s 28(1)

def *complying brand owner* ins 2012 SL No. 180 s 5

def *construction and demolition waste* om 2013 SL No. 182 s 28(1)

def *consumer packaging* ins 2012 SL No. 180 s 5

def *consumer packaging material* ins 2012 SL No. 180 s 5

def *covenant* ins 2012 SL No. 180 s 5

def *covenant signatory* ins 2012 SL No. 180 s 5

def *delivery vehicle* amd 2011 SL No. 258 s 6(2)

om 2013 SL No. 182 s 28(1)

def *development approval* om 2013 SL No. 182 s 28(1)

def *distribution packaging* ins 2012 SL No. 180 s 5

def *e-waste* om 2012 SL No. 77 s 11

def *free rider* ins 2012 SL No. 180 s 5

def *GCM* om 2013 SL No. 182 s 28(1)

def *general waste* ins 2013 SL No. 182 s 28(2)

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- def **kerbside recycling collection** ins 2012 SL No. 180 s 5
def **light commercial vehicle** om 2013 SL No. 182 s 28(1)
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def **relevant environmental approval** om 2013 SL No. 182 s 28(1)
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def **reuse** ins 2012 SL No. 180 s 5
def **rigid truck** amd 2011 SL No. 258 s 6(3)
om 2013 SL No. 182 s 28(1)
def **secondary resource** ins 2012 SL No. 180 s 5
def **skip-bin** om 2013 SL No. 182 s 28(1)
def **skip-bin truck** om 2013 SL No. 182 s 28(1)
def **trailer** om 2013 SL No. 182 s 28(1)
def **treated clinical waste** om 2012 SL No. 77 s 11
def **truck** om 2013 SL No. 182 s 28(1)
def **van or ute** om 2013 SL No. 182 s 28(1)

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