



Queensland

*Waste Reduction and Recycling Act 2011*

# **Waste Reduction and Recycling Regulation 2023**

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Queensland

# Waste Reduction and Recycling Regulation 2023

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# Waste Reduction and Recycling Regulation 2023

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Waste Reduction and Recycling Regulation 2023*.

### 2 Commencement

Parts 5 and 6 commence on 1 September 2023.

### 3 Definitions

The dictionary in schedule 13 defines particular words used in this regulation.

## Part 2 Regulated waste

### 4 Regulated waste—Act, sch 1

For schedule 1 of the Act, definition *regulated waste*, waste that is regulated waste within the meaning of the *Environmental Protection Regulation 2019*, section 42 is prescribed as regulated waste.

## Part 3                      Designation of areas by local governments for general or green waste collection

### 5                      Designation of areas

A local government may—

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

*Note—*

See the *Local Government Act 2009*, chapter 3, part 2, division 2 and the *City of Brisbane Act 2010*, chapter 3, part 3, division 2 in relation to the conduct of significant business activities by local governments.

## Part 4                      Waste levy

### Division 1                      Identifying exempt waste

#### 6                      Types of exempt waste for definition *waste disposal site*—Act, s 8A

- (1) For section 8A(2) of the Act, the following types of exempt waste are prescribed for the definition *waste disposal site*—
  - (a) waste water that meets the water quality for irrigation and general water use requirements stated in the guideline for water quality, chapter 4.2;
  - (b) waste water that meets the water quality for livestock drinking water requirements stated in the guideline for water quality, chapter 4.3;

- (c) alum sludge or other residuals produced as a result of a drinking water treatment process;
  - (d) coal power station ash.
- (2) This subsection and subsection (1)(c) expire on 30 June 2029.

**7 Guideline for treatment of particular dredge spoil—Act, s 26, definition *exempt waste***

For section 26 of the Act, definition *exempt waste*, paragraph (d), the guideline called ‘Queensland Acid Sulfate Soil Technical Manual: Soil Management Guidelines’, published on the Queensland Government website is prescribed.

**8 Exempt waste—Act, s 26**

- (1) For section 26 of the Act, definition *exempt waste*, paragraph (f)(i), each of the following types of waste is prescribed to be exempt waste—
- (a) waste water that meets the water quality for irrigation and general water use requirements stated in the guideline for water quality, chapter 4.2;
  - (b) waste water that meets the water quality for livestock drinking water requirements stated in the guideline for water quality, chapter 4.3;
  - (c) alum sludge or other residuals produced as a result of a drinking water treatment process;
  - (d) waste generated in Norfolk Island and imported by the Norfolk Island Regional Council into Queensland;
  - (e) coal power station ash;
  - (f) residue waste from—
    - (i) a glass beneficiation plant; or
    - (ii) a material recovery facility.
- (2) This subsection and subsection (1)(c) expire on 30 June 2029.

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(3) This subsection and subsection (1)(d) expire on 30 June 2030.

(4) In this section—

*glass beneficiation plant* means a plant that removes impurities from end-of-use glass through crushing, cleaning and sorting to produce cullet.

*material recovery facility* has the meaning given by section 99ZE(1)(a) of the Act.

## **Division 2                    Refusing exempt waste applications**

### **9                    Purpose of division**

For section 30(3) of the Act, this division prescribes the circumstances in which the chief executive must refuse an exempt waste application.

### **10                  Earth contaminated with hazardous contaminant**

(1) The chief executive must refuse an exempt waste application relating to earth contaminated with a hazardous contaminant from land recorded in the environmental management register or contaminated land register unless satisfied—

(a) the earth was contaminated before 1 January 1992; or

(b) the earth contains waste removed from a landfill cell that is to be delivered to a levyable waste disposal site as part of a significant community project; or

(c) the earth contains waste that was disposed of to landfill before 1 January 1992 (whether or not disposal continued after that time) at land recorded in the environmental management register or contaminated land register and either of the following applies—

(i) the earth is to be removed from the land by or for a local government and delivered to a levyable waste disposal site for the sole purpose of remediating contamination;

- 
- (ii) the earth is to be removed from the land by or for a local government and delivered to a levyable waste disposal site for the purpose of conducting or operating a resource recovery and transfer facility on the land, and waste will no longer be disposed of as landfill at the land.
- (2) Also, the chief executive must refuse an exempt waste application relating to earth contaminated with a hazardous contaminant from land recorded in the environmental management register or contaminated land register if satisfied the earth, if analysed in accordance with the site contamination guideline—
- (a) is contaminated solely with petroleum hydrocarbons; or
- (b) contains only contaminants that can reasonably be treated by bioremediation and made suitable for any use.
- (3) In this section—

***resource recovery and transfer facility*** see section 54(7) of the Act.

***significant community project*** means a project the chief executive considers has an aesthetic, conservation, cultural or economic benefit to the State or a community in Queensland, including, for example—

- (a) a project that serves an essential need of the community; and

*Examples—*

school, sporting field

- (b) a project that significantly improves the community's access to services.

*Examples—*

hospital, museum, State or local government library

***site contamination guideline*** means the guideline called 'Schedule B3—Guideline on Laboratory Analysis of Potentially Contaminated Soils' made by the National Environment Protection Council and published on the Council's website.

## 11 Waste to be used at levyable waste disposal site

The chief executive must refuse an exempt waste application relating to waste to be used at a levyable waste disposal site for a purpose necessary for the operation of the site unless satisfied—

- (a) the waste is needed to carry out the purpose; and
- (b) sufficient exempt waste that could be used for the purpose is not otherwise likely to be delivered to the site.

## Division 3 Operation of waste levy

### 12 Definitions for division

In this division—

*indexation rate*, for a financial year, means the rate published on the department’s website as the rate for working out the rate of the waste levy for the financial year.

*level 1 rate* see section 13.

*level 2 rate* see section 14.

### 13 Meaning of *level 1 rate*

The *level 1 rate* for a type of waste stated in schedule 1, table 1 is—

- (a) for the 2023–2024, 2024–2025 or 2025–2026 financial year—the rate stated in schedule 1, table 1 opposite the type of waste for the financial year; or
- (b) for a later financial year, the rate worked out by—
  - (i) identifying the level 1 rate for the type of waste for the previous financial year (whether under paragraph (a) or under a previous application of this paragraph); and

- (ii) increasing the rate identified under subparagraph (i) by the indexation rate for the later financial year; and
- (iii) rounding the result down to the nearest whole dollar.

#### **14 Meaning of *level 2 rate***

The *level 2 rate* for a type of waste stated in schedule 1, table 2 is—

- (a) for the 2023–2024 financial year—the rate stated in schedule 1, table 2 opposite the type of waste for the financial year; or
- (b) for a later financial year, the rate worked out by—
  - (i) identifying the level 2 rate for the type of waste for the previous financial year (whether under paragraph (a) or under a previous application of this paragraph); and
  - (ii) increasing the rate identified under subparagraph (i) by the indexation rate for the later financial year; and
  - (iii) rounding the result down to the nearest whole dollar.

#### **15 Rate of waste levy for waste levy zone—Act, s 37**

- (1) For section 37(1) of the Act, this section prescribes the rate of the waste levy for a financial year for each type of waste that is delivered to a levyable waste disposal site in the waste levy zone.
- (2) The rate is—
  - (a) for a levyable waste disposal site in the metropolitan part of the waste levy zone—the level 1 rate for the financial year for the type of waste; or

- (b) for a levyable waste disposal site in the regional part of the waste levy zone—
  - (i) if the waste was generated in the regional part of the waste levy zone—the level 2 rate for the financial year for the type of waste; or
  - (ii) if the waste was generated in the non-levy zone—the level 2 rate for the financial year for the type of waste; or
  - (iii) if the waste was generated in any other place—the level 1 rate for the financial year for the type of waste.
- (3) For this section—
  - (a) the *metropolitan part* of the waste levy zone is the part of the waste levy zone made up of the local government areas stated in schedule 2, part 1; and
  - (b) the *regional part* of the waste levy zone is the part of the waste levy zone made up of the local government areas stated in schedule 2, part 2.

## **16 Rate of waste levy for non-levy zone—Act, s 37**

- (1) For section 37(1) of the Act, this section prescribes the rate of the waste levy for a financial year for each type of waste that—
  - (a) is delivered to a levyable waste disposal site in the non-levy zone; and
  - (b) was generated outside the non-levy zone.
- (2) The rate is—
  - (a) if the waste was generated in the regional part of the waste levy zone—the level 2 rate for the financial year for the type of waste; or
  - (b) if the waste was generated in any other place outside the non-levy zone—
    - (i) for waste delivered before 1 July 2024—nil; or

- (ii) otherwise—the level 1 rate for the financial year for the type of waste.

**17 Requirements for calculating amount of waste levy—Act, s 37**

- (1) For section 37(2) of the Act, the total amount of waste levy imposed on all levyable waste that is delivered to a levyable waste disposal site during a levy period is the sum of the individual amounts of waste levy imposed on each type of levyable waste.
- (2) The individual amount of waste levy imposed on each type of levyable waste is worked out using the formula—

$$L = W \times R$$

where—

*L* means the individual amount of waste levy imposed on the type of levyable waste in a levy period.

*W* means the total weight, in tonnes, of the type of levyable waste delivered to the levyable waste disposal site during the levy period.

*R* means the applicable rate of waste levy imposed on the type of levyable waste for the financial year for which the waste levy is worked out.

- (3) For this section, the *applicable rate of waste levy* is the rate of the waste levy that applies in relation to the type of waste under section 15 or 16, as applicable.

**18 Local government areas making up waste levy zone—Act, s 43**

For section 43(1) of the Act, the local government areas identified in schedule 2 make up the waste levy zone.

## **Division 4                      Discounting waste levy for residue waste**

### **19        Definitions for division**

In this division—

*performance history*, of a person conducting a recycling activity, means the person's documented history of conducting the activity.

*recycling efficiency* see section 47(5) of the Act.

*recycling efficiency threshold*, for a recycling activity, means the greater of—

- (a) a recycling efficiency of 60% for the recycling activity; or
- (b) if the chief executive reasonably believes another recycling efficiency is the industry standard for the recycling activity, having regard to the type of feedstock used—the other recycling efficiency.

### **20        Recycling activities for residue waste discounting applications—Act, s 44**

For section 44(1) of the Act, the recycling activities stated in schedule 3 are prescribed.

### **21        Discounted rate for waste levy for residue waste—Act, s 44**

For section 44(4) of the Act, the rate prescribed as the discounted rate for the waste levy for a type of residue waste is 50% of the rate of the waste levy for the type of waste.

*Note—*

See sections 15 and 16 for the rate of the waste levy for each type of levyable waste.

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**22 Criteria for deciding residue waste discounting applications—Act, s 46**

- (1) For section 46(2)(c) of the Act, the following criteria are prescribed—
- (a) the performance history and likely future performance of the applicant in conducting the recycling activity the subject of the application, compared to—
    - (i) either—
      - (A) industry benchmarks and best practice guidelines for the recycling activity; or
      - (B) if there are no industry benchmarks or best practice guidelines for the recycling activity—the performance of similar entities conducting recycling activities using the same type of feedstock, having regard to information reasonably available to the chief executive about the performance; and
    - (ii) the recycling efficiency threshold for the recycling activity;
  - (b) the strategies or practices proposed in the application to progressively improve the efficiency of the recycling activity during the period of the approval, if granted;
  - (c) the extent to which the applicant is optimising, or is likely to be able to optimise, the market and material value that can be derived from the waste used as feedstock for the recycling activity;
  - (d) the extent to which approval of a discounted rate for the waste levy for residue waste from the recycling activity the subject of the application will—
    - (i) establish or sustain resource recovery in Queensland; and
    - (ii) contribute to the Queensland economy;
  - (e) if the applicant is conducting, or has conducted, a recycling activity under the Act, the Environmental

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Protection Act or a corresponding law—the applicant’s history of compliance with the Act, the Environmental Protection Act or the corresponding law;

- (f) if a related entity for the applicant is conducting, or has conducted, a recycling activity under the Act, the Environmental Protection Act or a corresponding law—the related entity’s history of compliance with the Act, the Environmental Protection Act or the corresponding law, including whether the related entity holds any licences, environmental authorities or other approvals for conducting a recycling activity.

- (2) In this section—

*corresponding law* means a law of another jurisdiction that provides for the same matters as the Act or the Environmental Protection Act, or a provision of either of those Acts, in relation to a waste management ERA.

*related entity*, for the applicant, has the meaning given by section 72K(3) of the Act.

## **23 Circumstances for refusing residue waste discounting applications—Act, s 46**

- (1) For section 46(3) of the Act, this section prescribes the circumstances in which the chief executive must refuse a residue waste discounting application for a recycling activity.
- (2) The chief executive must refuse the application unless satisfied—
  - (a) the applicant is achieving the recycling efficiency threshold for the recycling activity; or
  - (b) if the applicant has a performance history for conducting the recycling activity of less than 1 year and the applicant is not achieving the recycling efficiency threshold for the activity—the applicant will achieve the recycling efficiency threshold for the activity within 1 year after starting to conduct the activity.

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- (3) However, subsection (2) does not apply if the chief executive is satisfied—
- (a) it is not reasonably practicable for the applicant to achieve the recycling efficiency threshold for the recycling activity; but
  - (b) the strategies or practices proposed in the application to improve the recycling efficiency of the recycling activity will enable the applicant to achieve a recycling efficiency during the period of the approval that is as close to the recycling efficiency threshold for the activity as is reasonably practicable in the circumstances.

## **24 Conditions to which approvals of residue waste discounting applications are subject—Act, s 47**

- (1) For section 47(4) of the Act, the following conditions are prescribed—
- (a) the holder of the approval must implement the strategies or practices proposed in the application to progressively improve the recycling efficiency of the holder's recycling activity within the time frames proposed in the application;
  - (b) the holder of the approval must, within 2 months after the end of each reporting period, give the chief executive a report for the reporting period that complies with subsection (2).
- (2) The report for a reporting period must include the following information—
- (a) for each month of the reporting period, the weight, in tonnes, of—
    - (i) the waste used as feedstock for the recycling activity; and
    - (ii) the waste not disposed of to landfill as a result of the recycling activity; and

- (iii) the residue waste disposed of to landfill;
- (b) details of the extent to which the holder of the approval has implemented the strategies or practices proposed in the application to progressively improve the efficiency of the holder's recycling activities during the reporting period;
- (c) for waste not disposed of to landfill as a result of the recycling activity for each month of the reporting period, how much of each type of waste recovered as a result of the recycling activity—
  - (i) was recycled to produce the same or a different product; or
  - (ii) was consigned to other recyclers in Queensland; or
  - (iii) was consigned to other recyclers elsewhere in Australia; or
  - (iv) was consigned to other recyclers outside Australia; or
  - (v) was neither recycled to make a product nor consigned to other recyclers as mentioned in subparagraph (ii), (iii) or (iv).
- (3) In this section—

*reporting period* means each of the following periods in a year—

  - (a) the period starting on 1 January and ending on 30 June;
  - (b) the period starting on 1 July and ending on 31 December.

## Division 5                      Other provisions

### 25            **Weight measurement criteria for measuring waste or other material other than by weighbridge—Act, s 26**

- (1) For section 26 of the Act, definition *weight measurement criteria*, this section prescribes the weight measurement

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criteria to be used to measure waste or other material that is required to be measured under section 59 of the Act in the circumstances mentioned in section 60(6) or 61(2) of the Act.

- (2) Unless subsection (6) applies, the weight of the waste or other material is based on the GVM or GCM of the type of vehicle used to deliver or move the waste or other material, as provided under subsection (3) or (4).
- (3) If the waste or other material is delivered or moved in a vehicle, the weight of the waste or other material is taken to be the weight, in tonnes, stated in schedule 4, table 1, columns 3 to 11, according to the GVM or GCM of the vehicle, opposite the type of vehicle and the type of waste or other material.
- (4) However, if the weight of the waste or other material for subsection (3) is more than the mass limit applying to the vehicle under the Heavy Vehicle (Mass, Dimension and Loading) National Regulation, schedules 1 and 2 (the *mass limit of the vehicle*), the weight of the waste or other material is taken to be the mass limit of the vehicle.
- (5) Subsection (6) applies if—
  - (a) all of the waste or other material is contained in 1 or more containers during the delivery or movement; and  
*Examples of a container—*  
agricultural bin, cane haulout bin, skip bin, wheelie bin
  - (b) the capacity of each of the containers—
    - (i) is written on, or attached to, the container in a clearly visible place; or
    - (ii) is evidenced by a document from the container's manufacturer; or
    - (iii) can be measured by reference to the dimensions of the container.
- (6) The weight, in tonnes, of the waste or other material is worked out by—
  - (a) if all of the waste or other material is contained in a single container during the delivery or

[s 26]

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movement—multiplying the total capacity of the container, in cubic metres, by the weight multiplier stated in schedule 4, table 2, column 3 opposite the type of waste; or

*Examples for paragraph (a)—*

- 1 A truck delivers a skip bin containing C&I. The skip bin has a capacity of 10 cubic metres. The volume of the waste in the skip bin is less than half the capacity of the skip bin. The weight of the waste is taken to be 0.8t.
  - 2 A truck delivers a skip bin containing C&I. The skip bin has a capacity of 10 cubic metres. The volume of the waste in the skip bin is more than half the capacity of the skip bin. The weight of the waste is taken to be 1.5t.
- (b) if all of the waste or other material is contained in 2 or more containers during the delivery or movement—calculating the weight, in tonnes, of each of the individual containers, in accordance with paragraph (a).

## **26 Annual payments to local governments—Act, s 73DA**

For section 73DA(1) of the Act, the amount prescribed, for a financial year, to be paid to a local government mentioned in schedule 5, column 1 is the following—

- (a) for the financial year starting on 1 July 2023—the amount stated in schedule 5, column 2 opposite the local government;
- (b) for the financial year starting on 1 July 2024—the amount stated in schedule 5, column 3 opposite the local government;
- (c) for the financial year starting on 1 July 2025—the amount stated in schedule 5, column 4 opposite the local government;
- (d) for the financial year starting on 1 July 2026—the amount stated in schedule 5, column 5 opposite the local government.

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## Part 5 Banned plastic shopping bags

### 28 Banned plastic shopping bags—Act, s 99B

- (1) For section 99B(1)(b) of the Act, a carry bag with handles is prescribed to be a banned plastic shopping bag if—
  - (a) the carry bag is made, in whole or part, of plastic film (whether or not the plastic is degradable) that has a thickness of 35µm or more; and
  - (b) for a carry bag made of non-compostable plastic—the carry bag contains less than 80% recycled plastic content; and
  - (c) the carry bag is not of a size and durability that would allow it to be used to carry 10kg of goods at least 125 times, as tested by a standardised test related to the reusability, durability and endurance of the carry bag.
- (2) In this section—

*AS 5810* see section 99GB of the Act.

*non-compostable plastic* means plastic that is not compostable under AS 4736 or AS 5810.

## Part 6 Plastic items

### 29 Banned single-use plastic items—Act, s 99GC

- (1) For section 99GC(1)(b) of the Act, each of the following single-use plastic items is prescribed to be a banned single-use plastic item—
  - (a) a banned cotton bud;
  - (b) a banned rinsable product;
  - (c) loose-fill packaging material made, in whole or part, of expanded polystyrene (EPS).

*Example for paragraph (c)—*

packing peanuts

(2) In this section—

***banned cotton bud*** means a cotton bud with a plastic stem, other than a cotton bud that is used or intended to be used for testing carried out for forensic, medical, scientific or law enforcement purposes.

***banned rinsable product*** means—

- (a) a cosmetic, or product for personal care, that—
  - (i) contains plastic microbeads; and
  - (ii) is intended to be rinsed or washed off immediately or shortly after use; or
- (b) a product for general cleaning that—
  - (i) contains plastic microbeads; and
  - (ii) is intended to be used in a way that will result in the product being rinsed or washed down a drain.

*Example for subparagraph (ii)—*

a product intended to clean kitchen surfaces by being applied with a cloth that will be rinsed or washed after use

## **Part 7 Beverage container refund scheme**

### **Division 1 Prescribed matters for definitions**

#### **30 Refund amount—Act, s 99K**

For section 99K of the Act, definition *refund amount*, the amount prescribed as the refund amount is 10c.

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### 31 Requirements for refund marking—Act, s 99K

- (1) For section 99K of the Act, definition *refund marking*, the following requirements are prescribed—
  - (a) the marking or labelling must state—
    - (i) the refund amount; and
    - (ii) that the refund amount may be claimed at a container refund point, however described, in a participating State;
  - (b) the marking or labelling must be of a colour and size that is clear and legible for the container.
- (2) In this section—

*participating State* means Queensland or a corresponding jurisdiction.

### 32 Excluded liquids—Act, s 99L

- (1) For section 99L of the Act, each of the following liquids is prescribed to not be a beverage—
  - (a) milk;
  - (b) cordial intended to be diluted before being consumed;
  - (c) concentrated fruit juice, or vegetable juice, intended to be diluted before being consumed;
  - (d) a health tonic;
  - (e) a syrup.
- (2) In this section—

*health tonic* means—

- (a) a liquid included in the Australian Register of Therapeutic Goods maintained under the *Therapeutic Goods Act 1989* (Cwlth), section 9A; or
- (b) another liquid supplied with a label or accompanying document stating—
  - (i) that the liquid is for medicinal purposes; and

(ii) a recommended maximum dose of the liquid.

*milk* includes—

(a) a milk product, other than the following—

(i) flavoured milk;

(ii) a product made by fermenting milk or adding a culture to milk, including, for example, drinking yoghurt; and

*Examples for paragraph (a)—*

milk concentrate, milk powder

(b) a plant-based milk substitute.

*Examples for paragraph (b)—*

almond milk, soy milk

### **33 Excluded containers—Act, s 99M**

For section 99M(2) of the Act, each of the following containers is prescribed to not be a container—

(a) a container made to contain less than 150ml, or more than 3L, of a beverage;

(b) a container made to contain 1L or more of—

(i) flavoured milk; or

(ii) a beverage that is at least 90% fruit juice or vegetable juice;

(c) a container that—

(i) is made of cardboard and either plastic or foil, or both (commonly known as a cask or aseptic packaging); and

(ii) is made to contain 1L or more of—

(A) wine; or

(B) a wine-based beverage that contains ethyl alcohol (ethanol) of at least 10% by volume; or

- (C) water;
- (d) a container that—
  - (i) is made of plastic or foil, or both (commonly known as a sachet); and
  - (ii) is made to contain 250ml or more of wine.

## **Division 2                      Sale of beverages in containers**

### **34            Other matters for container recovery agreements—Act, s 99Q**

For section 99Q(4)(f) of the Act, the other matters prescribed for a container recovery agreement are—

- (a) the effect of a breach of the agreement by either party to the agreement; and
- (b) a process for managing a breach mentioned in paragraph (a) and its effect; and
- (c) a process for either party to the agreement to end the agreement.

### **35            Standard terms for container recovery agreements—Act, s 99Q**

For section 99Q(5) of the Act—

- (a) the standard term stated in schedule 6, part 2 is prescribed for all container recovery agreements between the Organisation and the manufacturer of a beverage product; and
- (b) the standard terms stated in schedule 6, part 3 are prescribed for a container recovery agreement between the Organisation and a small beverage manufacturer, other than a small beverage manufacturer that is a relevant beverage manufacturer; and

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- (c) the standard terms stated in schedule 6, part 4 are prescribed for a container recovery agreement between the Organisation and a small beverage manufacturer that is a relevant beverage manufacturer.

### **36 Small beverage manufacturer—Act, s 99R**

For section 99R(2) of the Act, definition *small beverage manufacturer*, a manufacturer of a beverage product is prescribed to be a small beverage manufacturer for a financial year if the manufacturer manufactures not more than 300,000 of the beverage product for the financial year.

## **Division 3 Refund amounts for empty containers**

### **37 Bulk quantity for refund declaration—Act, s 99T**

For section 99T(4) of the Act, definition *bulk quantity*, the quantity of containers prescribed is at least 1,500.

## **Division 4 Container collection agreements**

### **38 Other matters for container collection agreements—Act, s 99ZA**

For section 99ZA(1)(i) of the Act, the other matters prescribed for a container collection agreement are—

- (a) the effect of a breach of the agreement by either party to the agreement; and
- (b) a process for managing a breach mentioned in paragraph (a) and its effect; and
- (c) a process for either party to the agreement to end the agreement.

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**39 Standard terms for particular container collection agreements—Act, s 99ZA**

For section 99ZA(2) of the Act, the standard terms stated in schedule 7 are prescribed for a container collection agreement between—

- (a) the Organisation; and
- (b) the operator of 2 or more container refund points under the agreement.

**Division 5 Material recovery facilities**

**40 Excluded facilities and places—Act, s 99ZE**

(1) For section 99ZE(2) of the Act, each of the following facilities or places is prescribed to not be a material recovery facility—

- (a) a waste transfer station;
- (b) a waste facility;
- (c) a place where—
  - (i) a beverage product is sold in a container made of glass; and
  - (ii) bottle crushing equipment is used to crush the container when the container is empty.

(2) In this section—

***bottle crushing equipment*** means equipment designed to crush containers made of glass.

***waste transfer station*** means a facility used for—

- (a) sorting or consolidating waste; and
- (b) temporarily storing the waste before moving it from the site where the sorting or consolidation of the waste is carried out.

*Example of a waste transfer station—*

a facility managed commercially at which waste is received and sorted, and from which the recyclable waste is sent to a recycling facility and the non-recyclable waste is sent to landfill on another site

**41 Other matters for material recovery agreements—Act, s 99ZF**

For section 99ZF(2)(h) of the Act, the other matters prescribed for a material recovery agreement are—

- (a) the effect of a breach of the agreement by either party to the agreement; and
- (b) a process for managing a breach mentioned in paragraph (a) and its effect; and
- (c) a process for either party to the agreement to end the agreement.

**42 Standard terms for material recovery agreements—Act, s 99ZF**

For section 99ZF(3) of the Act—

- (a) the standard term stated in schedule 8, part 1 is prescribed for all material recovery agreements between the Organisation and the operator of a material recovery facility; and
- (b) the standard terms stated in schedule 8, part 2 are prescribed for a material recovery agreement between the Organisation and the operator of a material recovery facility if the agreement requires a written arrangement—
  - (i) between the operator and a local government from whose local government area the operator receives, at the facility, recyclable waste collected from kerbsides in the local government area; and
  - (ii) about the proportion of the recovery amount for a quantity of containers under the material recovery

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agreement the operator will pay to the local government.

**43 Review of recovery amount protocol—Act, s 99ZK**

For section 99ZK(4)(b) of the Act, the other times prescribed for reviewing the recovery amount protocol are at least once during each financial year.

## **Part 8 Outcomes for Product Responsibility Organisation**

**44 Purpose of part—Act, s 102ZF**

For section 102ZF(1) of the Act, this part prescribes the outcomes to be achieved by the Organisation.

**45 Container recovery rates**

- (1) The Organisation is to achieve a container recovery rate of at least 85% for each financial year.
- (2) In this section—

*container recovery rate*, for a financial year, means the proportion of containers recycled during the financial year, expressed as a percentage, worked out using the formula—

$$R = \frac{C + M}{S} \times 100$$

where—

*R* means the container recovery rate for a financial year.

*C* means the number of containers received at a container refund point during the financial year.

*M* means the number of containers received at a material recovery facility during the financial year.

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*S* means the number of containers in which beverage products were sold in Queensland during the financial year.

#### **46 Container refund points**

The Organisation is to ensure at least 307 container refund points are operating for each financial year.

## **Part 9 Strategic planning for waste reduction and recycling**

#### **47 Compliance with waste reduction and recycling plan obligations—Act, ss 123, 133 and 141**

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

## **Part 10 Reporting on waste recovery and disposal**

#### **48 Waste threshold for reporting entities—Act, s 150**

- (1) For section 150(4)(a) of the Act, this section prescribes the threshold for a decision by the chief executive whether to identify an entity as a reporting entity.
- (2) The threshold is that, in the financial year immediately preceding the financial year in which the decision is made, the entity received, sorted, recycled, treated or disposed of at least 1,000 tonnes of waste.

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## Part 11 Management of polychlorinated biphenyls (PCBs)

### Division 1 Preliminary

#### 49 Definitions for part

In this part—

**concentrated PCB material** means scheduled PCB material that—

- (a) contains at least 50g of PCBs; and
- (b) has a concentration of PCBs in the material of at least 100,000mg/kg.

**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 facility in Queensland, or in another State, that is authorised under a relevant authority to be used for disposing of PCB waste.

**licensed treatment facility** means a facility in Queensland, or in another State, that is authorised under a relevant authority to be used for treating PCB waste.

**PCB** means a polychlorinated biphenyl.

**PCB-free**—

- (a) in relation to material—see section 50(1); or
- (b) in relation to equipment—see section 50(2).

**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.

**relevant authority** means—

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- (a) in relation to a facility in Queensland—
  - (i) a development condition of a development approval; or
  - (ii) an environmental authority; or
- (b) in relation to a facility in another State—a licence, approval or other authority given under a law of that State.

***scheduled PCB material*** means PCB material that—

- (a) contains at least 50g of PCBs; and
- (b) has a concentration of PCBs in the material of at least 50mg/kg.

## **50 When material or equipment is *PCB-free***

- (1) Material is ***PCB-free*** if it is not PCB material.
- (2) Equipment is ***PCB-free*** if—
  - (a) there is no PCB material in the equipment; or
  - (b) there is PCB material in the equipment, but both of the following apply—
    - (i) the only PCB material in the equipment is on the surface area of PCB-contaminated metal in the equipment;
    - (ii) the PCB-contaminated metal in the equipment does not have a coverage of PCBs on its surface area of more than 1mg/m<sup>2</sup>, as decided under the guidelines published under subsection (3).
- (3) The chief executive must—
  - (a) prepare guidelines for working out the coverage of PCBs on the surface area of PCB-contaminated metal; and
  - (b) publish the guidelines on the department’s website.
- (4) In this section—

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*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**

### **51            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 91 prescribes this subsection for section 245 of the Act, definition *prescribed provision*, paragraph (c).

- (2) For this section, a person does not treat PCB material only because the person—
- (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**

### **52            Waste that is scheduled PCB material to be sent for treatment**

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

Maximum penalty—20 penalty units.

- (2) It is a defence to a charge of an offence against subsection (1) for the person to show that the person has a reasonable excuse for not complying.

*Example of a circumstance that may be a reasonable excuse—*

that there is no licensed treatment facility to which the waste can be sent within 1 year after it is generated

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

Maximum penalty—20 penalty units.

### **53 Prohibition on disposing of particular PCB waste to landfill**

A person must not dispose of either of the following types of PCB waste to landfill—

- (a) PCB waste that is scheduled PCB material;
- (b) PCB waste that is a liquid.

Maximum penalty—20 penalty units.

## **Division 4 Duties of occupier of premises with scheduled PCB material**

### **54 Application of division**

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.

### **55 Notice to chief executive**

- (1) The person must, within 3 months after this division starts to apply to the person, give the chief executive a notice stating—

- 
- (a) the person's name and address; and
  - (b) the date of the notice; and
  - (c) the prescribed information about the scheduled PCB 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 the person under this section, the person must, within 3 months after the change, give the chief executive a further notice 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 scheduled PCB material at premises, means the following information—

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

## 56 Emergency plans

- (1) The person must—
  - (a) prepare an emergency plan for the premises within 3 months after this division starts to apply to the person; and
  - (b) keep the plan up to date.

Maximum penalty—5 penalty units.

- (2) In this section—

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*emergency plan*, for premises, means a plan that provides for—

- (a) the monitoring and recording of the following matters in relation to scheduled PCB material at the premises—
  - (i) the amount of the material at the premises;
  - (ii) the location of the material at the premises;
  - (iii) access to the material at the premises; and
- (b) procedures to minimise the risk of a relevant incident at the premises; and
- (c) procedures to provide for the following matters if a relevant incident happens at the premises—
  - (i) the timely and effective containment of the incident;
  - (ii) the timely and effective clean-up and repairs after the incident;
  - (iii) the management of waste generated by the clean-up or repairs.

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

## **Division 5                      Equipment containing PCB material**

### **57            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.

Maximum penalty—20 penalty units.

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**58 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 an exemption for the equipment under section 59 is in effect.

**59 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 58; or
  - (b) extend an exemption given under paragraph (a) for 1 or more further periods.
- (2) The chief executive may ask the applicant to give the chief executive further information the chief executive reasonably requires to decide the application.
- (3) The applicant must comply with a request made under subsection (2).
- (4) 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.
- (5) An exemption may be given on reasonable conditions.

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- (6) The chief executive must give the applicant notice of the chief executive's decision on the application on or before the due day.
- (7) If the chief executive decides to refuse the application, the chief executive must give the applicant an information notice for the decision.
- (8) If the chief executive has not decided the application by the due day, the chief executive is taken to have refused the application.
- (9) In this section—

*due day*, for deciding an application, means—

- (a) 60 days after the application is made, not including—
  - (i) any day the chief executive asks for information under subsection (2); or
  - (ii) any day the applicant gives the requested information; or
  - (iii) any days in between the days mentioned in subparagraphs (i) and (ii); 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.

## 60 Dealing with equipment that is no longer used

- (1) This section applies to the owner of equipment that—
  - (a) has been removed from operational use; and
  - (b) contains PCB material.
- (2) The owner must, not later than 1 year after the equipment is permanently removed from operational use—



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- (i) animal waste;
  - (ii) discarded sharps;
  - (iii) human tissue waste;
  - (iv) laboratory waste 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.

Maximum penalty—20 penalty units.

(2) It is a defence to a charge of an offence against subsection (1) for the person to prove that the waste will be given to an authorised person for treatment and disposal.

(3) In this section—

*authorised person* means a person who is authorised to receive waste that is not segregated in the way required under subsection (1) under either of the following—

- (a) an environmental authority;
- (b) a development condition of a development approval.

## **62 Design requirements for containers for clinical waste and related waste**

- (1) This section applies to a person who operates premises at which clinical waste or related waste is generated.
- (2) The person must ensure any container used at the premises for the collection, storage, transport or disposal of clinical waste or related waste of a type stated in schedule 9, column 1—

- 
- (a) is of the colour stated opposite in column 2 of the schedule; and
  - (b) displays a symbol of the type depicted opposite in column 3 of the schedule and of the colour stated opposite in column 4 of the schedule; and
  - (c) is identified with the text stated opposite in column 5 of the schedule.

Maximum penalty—20 penalty units.

**63 Restriction on giving clinical waste or related waste to another person for transport, storage, treatment or disposal**

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

Maximum penalty—20 penalty units.

- (3) It is a defence to a charge of an offence against subsection (2) for the person to prove there were reasonable grounds for believing the other person had an environmental authority for the transport, storage, treatment or disposal of the clinical waste or related waste.

**64 Disposal of needles and other sharps**

- (1) Subsection (2) applies to a person—
  - (a) who discards a hypodermic needle at residential premises, if the needle has been in contact with human or animal tissue or bodily fluids; or
  - (b) who discards a hypodermic needle or other sharp at a place other than residential premises.
- (2) The person must—

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- (a) place the hypodermic 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 hypodermic needle or other sharp at premises at which clinical waste or related waste is generated.
- (4) The person must place the hypodermic 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 Sharps injury protection - Requirements and test methods - Sharps containers: AS 23907:2023’ published by Standards Australia.

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

## **65 Storage area for clinical waste and related waste**

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

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

Maximum penalty—20 penalty units.

**66 Environmental nuisance not to be created**

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

Maximum penalty—20 penalty units.

- (2) In this section—

*environmental nuisance* see the Environmental Protection Act, section 15.

**67 Treatment and disposal of clinical waste and related waste**

A person who operates premises at which clinical waste or related waste is generated or stored must ensure the waste is treated and disposed of in accordance with schedule 10.

Maximum penalty—20 penalty units.

## **Part 13 Used packaging materials**

### **Division 1 Preliminary**

**68 Purpose of part**

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

**69 Definitions for part**

In this part—

*brand owner* means—

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- (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 the consumer at the point of sale.

***complying brand owner*** see section 70.

***consumer packaging*** means any packaging product 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 71.

***covenant*** means the agreement called the ‘Australian Packaging Covenant’ made between governments and industry organisations to reduce the environmental impacts of consumer packaging.

***covenant signatory*** means a signatory to the covenant, including a person who accedes to the covenant after it is made, whether before or after the commencement of the repealed *Waste Reduction and Recycling Regulation 2011*, part 5A.

***distribution packaging*** means any 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; and
- (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—

- (a) is part of the packaging chain; and
- (b) is not a covenant signatory; and
- (c) is not producing equivalent outcomes to those achieved through the covenant.

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

***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 between 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***, in relation to consumer packaging material, means that the material—

- (a) is re-used or recycled; or
- (b) becomes a secondary resource.

***recovery rate***, of a brand owner for a period, see section 72.

***recycle***, in relation to a product, means use the product as a raw material to produce another product.

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

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**re-use**, in relation to a product, means use the product for the same or a 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.

**trade mark** has the meaning given by the *Trade Marks Act 1995* (Cwlth).

## 70 Meaning of **complying brand owner**

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

- (a) the brand owner is a covenant signatory and is complying with the covenant; or
- (b) the brand owner is not a covenant signatory but 1 or more 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 achieved for the packaging through 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.

## 71 Meaning of **consumer packaging material**

- (1) **Consumer packaging material** is consumer packaging made of 1 or more of the following materials—
  - (a) paper;
  - (b) cardboard;

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- (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; and
    - (ii) plasticised polyvinyl chloride (PPVC) plastics; and
    - (iii) low density polyethylene (LDPE) plastics; and
    - (iv) polypropylene (PP) plastics; and
    - (v) polystyrene (PS) plastics; and
    - (vi) expandable polystyrene (EPS) plastics.
- (2) ***Consumer packaging material***, in relation to a brand owner, is—
- (a) for a brand owner who is 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 a brand owner who is 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 any other brand owner—consumer packaging material sold in carrying on the brand owner’s business.

## 72 Meaning of ***recovery rate***

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

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

where—

**R** means the brand owner’s recovery rate for a period.

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

**WS** means the weight of the brand owner’s consumer packaging material sold in Australia during the period.

### **73 Interpretation of words and expressions defined in the measure**

Unless this part provides otherwise, words and expressions used in this part and defined in the measure have the same meaning in this part as they have in the measure.

## **Division 2 Obligations of particular brand owners**

### **Subdivision 1 Notifying particular brand owners of obligations under sdiv 2**

#### **74 Chief executive may give notice about brand owner’s obligations**

- (1) This section applies if the chief executive is satisfied, on grounds that are reasonable in the circumstances, that a brand owner is not a complying brand owner.
- (2) The chief executive may give the brand owner a notice stating that—
  - (a) the chief executive has decided under subsection (1) that the brand owner is not a complying brand owner; and

- (b) subdivision 2 applies to the brand owner.

## **Subdivision 2      Obligations of particular brand owners**

### **75      Application of subdivision**

This subdivision applies to a brand owner if the brand owner has been given a notice under section 74.

### **76      Obligation in relation to recovery rate—financial year during which notice about obligations is given**

- (1) This section applies in relation to a financial year during which the brand owner is given a notice under section 74.
- (2) The brand owner must take reasonable steps to achieve a recovery rate of at least 70% for the financial year.

Maximum penalty—20 penalty units.

- (3) The brand owner may comply with subsection (2) 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 may comply with subsection (2) by recovering wine bottles that are not the brand owner's consumer packaging material.

### **77      Obligation in relation to recovery rate—other financial years**

- (1) This section applies in relation to each financial year other than a financial year during which the brand owner is given a notice under section 74.
- (2) The brand owner must achieve a recovery rate of at least 70% for the financial year.

Maximum penalty—20 penalty units.

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- (3) The brand owner may comply with subsection (2) 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 may comply with subsection (2) by recovering wine bottles that are not the brand owner's consumer packaging material.

## 78 Obligation to prepare action plans

- (1) The brand owner must—
- (a) prepare a plan under this section (an *action plan*) for—
    - (i) a financial year during which the brand owner is given a notice under section 74; and
    - (ii) each later financial year; and
  - (b) give the chief executive the action plan—
    - (i) if the plan is prepared for a financial year during which the brand owner is given a notice under section 74—within 30 days after the brand owner is given the notice; or
    - (ii) if the plan is prepared for another financial year—at least 30 days before the start of the financial year.

*Note—*

Section 91 prescribes this subsection for section 245 of the Act, definition *prescribed provision*, paragraph (c).

- (2) The action plan must, to the greatest extent possible, contain all of 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—

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- (i) each type of consumer packaging material sold; and
  - (ii) consumer packaging material that is proposed to be recovered;
- (c) how the brand owner intends to ensure the quantity proposed under paragraph (b)(ii) to be recovered 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 preferred order; or
  - (ii) that the brand owner believes it will be impracticable to recover the consumer packaging material in the preferred order;
- (e) if paragraph (d)(ii) applies—
- (i) the reasons for the brand owner's belief that recovery of the consumer packaging material in the preferred order is impracticable; and
  - (ii) the order in which the consumer packaging material 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 of consumer packaging material for subsection (2)(b)(ii) must not be less than the quantity worked out by applying the relevant recovery rate for the brand owner for the financial year to the quantity of consumer packaging material mentioned in subsection (2)(b)(i).
- (4) For this section—
- (a) the *preferred order* for the recovery of consumer packaging material is the following order—
    - (i) for use in the brand owner's consumer packaging material;
    - (ii) for use within Queensland as a secondary resource;

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- (iii) for use elsewhere within Australia as a secondary resource;
- (iv) for export to another country as a secondary resource; and
- (b) the **relevant recovery rate** for the brand owner year is—
  - (i) for a financial year during which the brand owner is given a notice under section 74—a recovery rate that is consistent with the brand owner’s compliance with section 76(2); or
  - (ii) for any other financial year—a recovery rate of 70%.

**79 Obligation to give information about steps to achieve recovery rate for current financial year**

- (1) This section applies if the chief executive reasonably believes that the brand owner—
  - (a) has not complied with section 76 or 77 for the previous financial year; and
  - (b) will not comply with section 77 for the current financial year.
- (2) The chief executive may give the brand owner a notice that states the following matters—
  - (a) that the chief executive reasonably believes the matters mentioned in subsection (1);
  - (b) that the brand owner is required, within the reasonable period stated in the notice (the **response period**), to give the chief executive notice of the steps that have been, or will be, taken to comply with section 77 for the current financial year;
  - (c) that failure to comply with the notice within the response period, or any extension of the response period granted under this section, 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) For subsection (2)(b), the response period must end at least 14 business days after the notice is given.
- (4) If the brand owner is given a notice under subsection (2), the brand owner may apply to the chief executive, as provided under subsection (5), for an extension of the response period (an *extension application*).
- (5) An extension application must—
  - (a) be in writing; and
  - (b) be made before the end of the response period; and
  - (c) state the reasons the extension should be granted.
- (6) The chief executive must, within 10 business days after an extension application is made, decide whether to grant the application and either—
  - (a) for a decision to grant the application—give the brand owner a notice stating the new date by which the brand owner must comply with the notice given under subsection (2), which must be at least 10 business days after the end of the response period; or
  - (b) for a decision to refuse to grant the application—give the brand owner a notice stating that the application is refused.
- (7) The chief executive may decide to grant an extension application only if the chief executive believes it is reasonable to extend the response period.
- (8) If the chief executive does not give the brand owner a notice under subsection (6)(a) or (b), the extension application is taken to have been refused.
- (9) The brand owner must comply with the requirements stated in the notice given under subsection (2) within—
  - (a) if an extension application is made in relation to the notice and is granted under subsection (6)(a)—the response period as extended by the chief executive; or

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- (b) if an extension application is made in relation to the notice and is refused under subsection (6)(b) or (8)—10 business days after the end of the response period; or
- (c) in any other case—the response period.

*Note—*

Section 91 prescribes this subsection for section 245 of the Act, definition *prescribed provision*, paragraph (c).

## **80 Obligations in relation to particular information about consumer packaging material**

- (1) The brand owner must prepare the following information for each financial year, and keep the information prepared under this subsection for at least 5 years after the end of the financial year for which it was prepared—
  - (a) for each type of material for consumer packaging used by the brand owner during the financial year—
    - (i) the total weight of the material; and
    - (ii) the number of items of consumer packaging made from the material; and
    - (iii) the total weight of the material sold in Australia;
  - (b) for each type of consumer packaging material recovered by or for the brand owner during the financial year—
    - (i) the total weight of the material; and
    - (ii) how much of the material was re-used or recycled in Australia; and
    - (iii) how much of the material was exported to another country for re-use or recycling; and
    - (iv) how much of the material was used for energy recovery; and
    - (v) the recovery rate for the financial year in relation to the material;

- (c) the weight of the consumer packaging material that was collected by or for the brand owner during the financial year and disposed of to landfill;
- (d) information about how consumers were advised about how the consumer packaging material would be recovered.

*Note—*

Section 91 prescribes this subsection for section 245 of the Act, definition *prescribed provision*, paragraph (c).

- (2) The brand owner must, for each financial year, give the chief executive the information prepared under subsection (1) on or before 30 September after the end of the financial year, unless the brand owner has a reasonable excuse.

*Note—*

Section 91 prescribes this subsection for section 245 of the Act, definition *prescribed provision*, paragraph (c).

- (3) It is a reasonable excuse for a brand owner not to give the information prepared under subsection (1) if giving the information might tend to incriminate the brand owner or expose the brand owner 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.

## **81 Requests for exemption on ground of commercial confidentiality**

- (1) The brand owner may, by notice given to the chief executive, request an exemption from the obligation mentioned in section 80(2) on the ground of commercial confidentiality.

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- (2) A notice under subsection (1) must contain the information necessary to enable the chief executive to decide the request.
- (3) The chief executive may, by notice given to the brand owner, ask the brand owner to give the chief executive, within 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 chief executive's reasons for requesting the further information.

## 82 Deciding requests for exemption

- (1) This section applies if the brand owner requests an exemption under section 81.
- (2) The chief executive may grant the request only if the chief executive reasonably believes—
  - (a) the information is exempt information under the *Right to Information Act 2009*; or
  - (b) the provision of the information would be the disclosure of information that could reasonably be expected to cause a public interest harm as mentioned in schedule 4, part 4, section 7 of that Act.
- (3) If the chief executive grants the request, the brand owner is exempted from giving the chief executive the information under section 80(2).
- (4) The chief executive must give the brand owner notice of the chief executive's decision on the request (a ***decision notice***) within—
  - (a) if the brand owner has given the chief executive further information under section 81—60 days after the further information was given; or
  - (b) otherwise—60 days after the request was made.

- (5) If the chief executive decides to refuse to grant the request, the decision notice must be an information notice about the decision to refuse to grant the request.
- (6) If the chief executive does not give the brand owner a decision notice within the period applying under subsection (4)(a) or (b) (in either case the *decision period*), the chief executive's failure is taken to be a decision by the chief executive to refuse to grant the request at the end of the decision period.

### **Division 3                      Kerbside and other recycling collectors to give information to chief executive**

#### **83                      Local government recycling providers to give information to chief executive**

- (1) If a local government recycling provider operates or provides a kerbside recycling collection service, the provider must, within 3 months after the end of each financial year during which the kerbside recycling collection service operates or is provided, give the chief executive the following information for the financial year—
  - (a) the percentage of households within the service area with access to the service;
  - (b) the participation rate for the service;
  - (c) the fee charged to each household for the service;
  - (d) the total weight of recyclable material collected in the service area (however collected);
  - (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 to landfill.

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- (2) If a local government recycling provider operates or provides a recycling service other than a kerbside recycling collection service, the provider must, within 3 months after the end of each financial year during which the recycling service operates or is provided, give the chief executive information about the percentage of households within the service area with access to the service.
- (3) Subsection (4) applies if 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 or another recycling service.
- (4) The local government recycling provider must include an obligation in the contract for the other person to give the provider the information mentioned in subsection (1) or (2), as applicable.
- (5) In this section—

***household*** means residential premises, or non-residential premises, that are supplied with a container for the collection of recyclable material by the operator of the service.

***local government recycling provider*** means a local government, or a regional grouping of local governments, that operates or provides either of the following services in a local government area—

- (a) a kerbside recycling collection service;
- (b) another recycling collection service.

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

***recyclable material*** means material reasonably able to be recycled.

***service area***, in relation to a kerbside recycling collection service or another recycling service operated or provided by a local government recycling provider, means the local government area in which the service is operated or provided.

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**84 Chief executive may require other kerbside recycling collectors to give particular information**

- (1) This section applies if—
  - (a) under a contract, a person other than a local government or a regional grouping of local governments operates or provides either of the following services in a local government area—
    - (i) a kerbside recycling collection service;
    - (ii) another recycling collection service; and
  - (b) the contract does not require the person to give the information mentioned in section 83(1) or (2) to the local government or the regional grouping.
- (2) The chief executive may, at least 1 month before the end of a financial year, give the person a notice stating the following matters—
  - (a) that the person must give the chief executive the information mentioned in section 83(1) or (2) for the financial year;
  - (b) that the information must be given within 3 months after the end of the financial year;
  - (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 give the chief executive the information required by the notice within 3 months after the end of the financial year.

*Note—*

Section 91 prescribes this subsection for section 245 of the Act, definition *prescribed provision*, paragraph (c).

## **Division 4                      Chief executive reporting requirements**

### **85            Chief executive to give APCO particular information**

The chief executive must, within 6 months after the end of each financial year, give the Australian Packaging Covenant Organisation the following information for the financial year—

- (a) aggregate information based on information given by brand owners under section 80;
- (b) aggregate information based on information given by local government recycling providers under section 83 and by other kerbside recycling collectors under section 84;
- (c) information obtained from surveys conducted by the chief executive under section 86;
- (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 against a provision of this part;
- (e) a statement of interpretation that summarises and explains the information given under this section.

## **Division 5                      Other provisions**

### **86            Chief executive may conduct particular surveys**

The chief executive may conduct a survey of brands of packaged products, or of brand owners, to determine the

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effectiveness of this part in preventing brand owners from being free riders.

### **87 Review of part**

- (1) The chief executive must review the operation of this part at least every 5 years.
- (2) The chief executive may also review the operation of this part 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 a review under this section include—
  - (a) evaluating the effectiveness of this part to prevent brand owners from being free riders; and
  - (b) deciding whether this part aligns with applicable waste management strategies, priority statements or product stewardship arrangements then in effect.
- (4) The chief executive may conduct a review under this section by surveying brand owners.

### **88 Compliance with part not required if measure or covenant not in force**

A person is not required to comply with this part if the covenant or the measure is not in force.

## **Part 14 Miscellaneous**

### **89 Disposal ban waste—Act, s 100**

For section 100 of the Act, the waste identified as disposal ban waste for chapter 4, part 4 of the Act is, for an area stated in schedule 11, column 1, waste of the types stated opposite in column 2.

**90 Appointment of persons as authorised persons—Act, s 183**

For section 183(1)(c) of the Act, 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*.

**91 Prescribed provisions for show cause notices and compliance notices—Act, s 245**

For section 245 of the Act, definition *prescribed provision*, paragraph (c), the following provisions are prescribed—

- (a) section 51(1);
- (b) section 78(1);
- (c) section 79(9);
- (d) section 80(1) and (2);
- (e) section 84(3).

**92 Corresponding laws—Act, sch 1**

For schedule 1 of the Act, definition *corresponding law*, paragraph (b), the following laws are prescribed—

- (a) *Environment Protection Act 1993* (SA), part 8, division 2;
- (b) *Environment Protection (Beverage Containers and Plastic Bags) Act 2011* (NT), other than part 3;
- (c) *Waste Avoidance and Resource Recovery Act 2001* (NSW), part 5;
- (d) *Waste Management and Resource Recovery Act 2016* (ACT), part 10A.

**93 Fees**

The fees payable under the Act are stated in schedule 12.

**94 Rounding of amounts expressed as numbers of fee units**

- (1) This section applies for working out the amount of a fee expressed in this regulation as a number of fee units.
- (2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded—
  - (a) if the result is not more than \$2.50—to the nearest cent (rounding one-half upwards); or
  - (b) if the result is more than \$2.50 but not more than \$100—to the nearest multiple of 5 cents (rounding one-half upwards); or
  - (c) if the result is more than \$100 but not more than \$500—to the nearest multiple of 10 cents (rounding one-half upwards); or
  - (d) if the result is more than \$500—to the nearest dollar (rounding one-half upwards).

**Part 15 Repeal**

**95 Repeal**

The Waste Reduction and Recycling Regulation 2011, SL No. 231 is repealed.

## Part 16 Transitional provisions

### Division 1 Preliminary

#### 96 Definition for part

In this part—

*repealed regulation* means the repealed *Waste Reduction and Recycling Regulation 2011*.

### Division 2 Relevant beverage containers

#### 97 Definition for division

In this division—

*relevant beverage container* means a glass container made to contain a relevant beverage.

#### 98 Refund amount for relevant beverage containers for period from commencement to 31 October 2023—Act, s 99K

- (1) This section applies in relation to a relevant beverage container for the period—
  - (a) starting on the commencement; and
  - (b) ending on 31 October 2023.
- (2) For section 99K of the Act, definition *refund amount*, the amount prescribed as the refund amount in relation to the relevant beverage container is 0c.
- (3) Subsection (2) applies despite section 30.

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**99 Transition period for displaying refund marking on relevant beverage containers—Act, s 308**

For section 308(3) of the Act, definition *manufacture transition day*, the day prescribed in relation to a relevant beverage container is 1 January 2027.

**Division 3 Polychlorinated biphenyls (PCBs)**

**100 Existing notices about scheduled PCB material at premises**

- (1) This section applies if—
  - (a) before the commencement, a person gave a notice under the repealed regulation, section 41ZL(1) in relation to premises; and
  - (b) immediately before the commencement, the prescribed information stated in the notice under that section had not changed; and
  - (c) on the commencement, part 11, division 4 of this regulation applies to the person in relation to the premises.
- (2) The notice is taken to have been given by the person under section 55(1) of this regulation on the commencement.

**101 Notices required about scheduled PCB material at premises**

- (1) This section applies if—
  - (a) before the commencement, a person was required to give a notice under the repealed regulation, section 41ZL(1); and
  - (b) immediately before the commencement, the period for giving the notice had not ended.
- (2) Despite its repeal, the repealed regulation, section 41ZL(1) continues to apply to the person.

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- (3) A notice given by the person under the repealed regulation, section 41ZL(1), as continued in effect under subsection (2), is taken to have been given under section 55(1) of this regulation.

## **102 Notices required about change to prescribed information about scheduled PCB material at premises**

- (1) This section applies if—
  - (a) before the commencement, a person was required to give a notice under the repealed regulation, section 41ZL(2); and
  - (b) immediately before the commencement, the period for giving the notice had not ended.
- (2) Despite its repeal, the repealed regulation, section 41ZL(2) continues to apply to the person.
- (3) A notice given by the person under the repealed regulation, section 41ZL(2), as continued in effect under subsection (2), is taken to have been given under section 55(2) of this regulation.

## **103 Existing emergency plans**

- (1) This section applies if—
  - (a) before the commencement, a person prepared an emergency plan for premises under the repealed regulation, section 41ZM; and
  - (b) immediately before the commencement, the emergency plan was up to date; and
  - (c) on the commencement, part 11, division 4 of this regulation applies to the person in relation to the premises.
- (2) The emergency plan is taken to have been prepared for the premises under section 56 of this regulation on the commencement.

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**104 Emergency plans required to be prepared**

- (1) This section applies if—
  - (a) before the commencement, a person was required to prepare an emergency plan for premises under the repealed regulation, section 41ZM; and
  - (b) immediately before the commencement, the period for preparing the plan had not ended.
- (2) Despite its repeal, the repealed regulation, section 41ZM continues to apply to the person.
- (3) An emergency plan prepared under the repealed regulation, section 41ZM, as continued in effect under subsection (2), is taken to have been prepared under section 56 of this regulation.

**105 Existing exemptions and undecided applications for exemptions—use of equipment containing concentrated PCB material**

- (1) An exemption given or extended under the repealed regulation, section 41ZO and in effect immediately before the commencement—
  - (a) continues in effect; and
  - (b) is taken to have been given or extended under section 59 of this regulation on the same conditions, if any, to which it was subject immediately before the commencement.
- (2) Despite its repeal, the repealed regulation, section 41ZO continues to apply in relation to an application made under that section, but not decided, before the commencement.
- (3) An exemption given or extended under the repealed regulation, section 41ZO, as continued in effect under subsection (2), is taken to have been given or extended under section 59 of this regulation.

## **Division 4                      Used packaging materials**

### **106      Application of pt 13, div 2, sdiv 2**

Section 75 of this regulation applies as if the reference in the section to a notice under section 74 of this regulation included a reference to a notice under the repealed regulation, section 41H.

### **107      Obligation in relation to recovery rate—financial year during which notice about obligations is given**

- (1) This section applies if a brand owner was given a notice under the repealed regulation, section 41H on or after 1 July 2023.
- (2) Section 76 of this regulation applies to the brand owner for the 2023–2024 financial year as if the notice had been given under section 74 of this regulation.

### **108      Obligation in relation to recovery rate—other financial years**

Section 77 of this regulation applies as if the reference in section 77(1) to a notice under section 74 of this regulation included a reference to a notice under the repealed regulation, section 41H.

### **109      Existing obligation to create action plan**

- (1) This section applies if—
  - (a) before the commencement, a brand owner was given a notice under the repealed regulation, section 41H; and
  - (b) immediately before the commencement, the period under the repealed regulation, section 41L(1)(b)(i) for creating an action plan and giving it to the chief executive had not ended.

- (2) Section 78 of this regulation applies to the brand owner as if the notice given under the repealed regulation, section 41H had been given under section 74 of this regulation.

**110 Obligation to prepare action plan for later financial years**

- (1) This section applies if a brand owner was given a notice under the repealed regulation, section 41H at any time before the commencement.
- (2) The reference in section 78(1)(a)(ii) of this regulation to each later financial year applies as if the notice given under the repealed regulation, section 41H had been given under section 74 of this regulation.

**111 Existing notice to give information about steps to achieve recovery rate for 2023–2024 financial year**

- (1) This section applies if—
- (a) before the commencement, a brand owner was given a notice under the repealed regulation, section 41M(2); and
  - (b) immediately before the commencement, the period for complying with the notice under the repealed regulation, section 41M(9) had not ended.
- (2) Despite its repeal, the repealed regulation, section 41M continues to apply in relation to the notice.

**112 Giving of notice to require information about steps to achieve recovery rate for 2023–2024 financial year**

Section 79 of this regulation applies in relation to the 2023–2024 financial year as if the reference in section 79(1)(a) to section 76 or 77 of this regulation were a reference to the repealed regulation, section 41I or 41K.

**113 Obligations in relation to information about consumer packaging material**

- (1) Section 80 of this regulation applies to a brand owner as if the reference in section 80(1) to keeping information prepared under that subsection for a financial year included a reference to keeping information prepared under the repealed regulation, section 41N(1) for a financial year.
- (2) Also, section 80 of this regulation applies to a brand owner in relation to the 2022–2023 financial year as if—
  - (a) the reference in section 80(2) to each financial year included a reference to the 2022–2023 financial year; and
  - (b) the reference in section 80(2) to the information prepared under section 80(1) included a reference to the information prepared under the repealed regulation, section 41N(1) for the 2022–2023 financial year.

**114 Existing exemptions and undecided applications for exemptions—commercial confidentiality**

- (1) An exemption granted under the repealed regulation, section 41P and in effect immediately before the commencement—
  - (a) continues in effect; and
  - (b) is taken to have been granted under section 82 of this regulation.
- (2) Despite its repeal, the repealed regulation, sections 41O and 41P continue to apply in relation to a request for an exemption made under the repealed regulation, section 41O, but not decided under the repealed regulation, section 41P, before the commencement.
- (3) An exemption granted under the repealed regulation, section 41P, as continued in effect under subsection (2), is taken to have been granted under section 82 of this regulation.

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**115 Existing notices given to particular kerbside recycling collectors**

- (1) This section applies if—
  - (a) before the commencement, the chief executive gave a person a notice under the repealed regulation, section 41R in relation to the 2022–2023 financial year; and
  - (b) immediately before the commencement, the person had not complied with the notice.
- (2) Despite its repeal, the repealed regulation, section 41R continues to apply in relation to the notice.

**116 Chief executive’s reporting requirements for 2022–2023 and 2023–2024 financial years**

Section 85 of this regulation applies in relation to the 2022–2023 and 2023–2024 financial years as if—

- (a) the reference in section 85(a) to section 80 of this regulation included a reference to the repealed regulation, section 41N; and
- (b) the reference in section 85(b) to section 83 of this regulation included a reference to the repealed regulation, section 41Q; and
- (c) the reference in section 85(b) to section 84 of this regulation included a reference to the repealed regulation, section 41R; and
- (d) the reference in section 85(c) to section 86 of this regulation included a reference to the repealed regulation, section 41T.

## **Division 5                      Miscellaneous**

### **117      Prescribed provisions for show cause notices and compliance notices**

For section 245 of the Act, definition *prescribed provision*, paragraph (c), the following provisions are also prescribed—

- (a) the provisions of the repealed regulation prescribed by the repealed regulation, section 42A;
- (b) the repealed regulation, sections 41M(9) and 41R(3), as continued in effect under sections 111 and 115 of this regulation.

### **118      References to repealed regulation**

A reference in a document to the repealed regulation may, if the context permits, be taken to be a reference to this regulation.

# Schedule 1 Waste levy rates

sections 13 and 14

Table 1—Level 1 rate

	Type of waste	Rate of waste levy— 2023–2024 financial year	Rate of waste levy— 2024–2025 financial year	Rate of waste levy— 2025–2026 financial year
1	treated timber sawdust and shavings	\$105 a tonne	\$115 a tonne	\$125 a tonne
2	earth contaminated with a hazardous contaminant from land recorded in the environmental management register or contaminated land register	\$105 a tonne	\$115 a tonne	\$125 a tonne
3	category 1 regulated waste, other than waste of a type mentioned in item 1 or 2	\$185 a tonne	\$195 a tonne	\$205 a tonne
4	category 2 regulated waste, other than waste of a type mentioned in item 1 or 2	\$135 a tonne	\$145 a tonne	\$155 a tonne
5	any other levyable waste	\$105 a tonne	\$115 a tonne	\$125 a tonne

Table 2—Level 2 rate

	Type of waste	Rate of waste levy— 2023–2024 financial year
1	treated timber sawdust and shavings	\$91 a tonne

Schedule 1

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	<b>Type of waste</b>	<b>Rate of waste levy— 2023–2024 financial year</b>
2	earth contaminated with a hazardous contaminant from land recorded in the environmental management register or contaminated land register	\$91 a tonne
3	category 1 regulated waste, other than waste of a type mentioned in item 1 or 2	\$179 a tonne
4	category 2 regulated waste, other than waste of a type mentioned in item 1 or 2	\$124 a tonne
5	any other levyable waste	\$91 a tonne

## **Schedule 2      Waste levy zone**

section 18

### **Part 1                      Metropolitan local government areas**

- 1    City of Brisbane
- 2    Gold Coast
- 3    Ipswich
- 4    Lockyer Valley
- 5    Logan
- 6    Moreton Bay
- 7    Noosa
- 8    Redland
- 9    Scenic Rim
- 10   Somerset
- 11   Sunshine Coast
- 12   Toowoomba

### **Part 2                      Regional local government areas**

- 1    Banana
- 2    Bundaberg
- 3    Burdekin
- 4    Cairns
- 5    Cassowary Coast

Schedule 2

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- 6 Central Highlands
- 7 Charters Towers
- 8 Douglas
- 9 Fraser Coast
- 10 Gladstone
- 11 Goondiwindi
- 12 Gympie
- 13 Hinchinbrook
- 14 Isaac
- 15 Livingstone
- 16 Mackay
- 17 Maranoa
- 18 Mareeba
- 19 Mount Isa
- 20 North Burnett
- 21 Rockhampton
- 22 South Burnett
- 23 Southern Downs
- 24 Tablelands
- 25 Townsville
- 26 Western Downs
- 27 Whitsunday

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## **Schedule 3      Recycling activities for residue waste discounting applications**

### section 20

- 1 e-waste recycling to separate e-waste into clean streams of individual components and materials
- 2 repurposing e-waste for re-use
- 3 paper and cardboard recycling to produce new paper and cardboard products
- 4 recycling mixed construction and demolition waste to produce aggregate or other new products to a particular specification
- 5 glass refining to produce aggregate or other products of a particular specification
- 6 metal recovery by shredding or fragmenting, using equipment capable of separating different types of metal
- 7 plastic recycling using an extrusion process or a washing and flaking process to produce components for use in new products
- 8 plastic recycling of soft plastics to produce components for use in new products
- 9 tyre recycling to produce rubber output to a particular specification and particle size
- 10 reclaimed timber recycling or sorting for re-use
- 11 reclaimed timber recycling or sorting for processing for production of new timber products

## Schedule 4 Weight measurement criteria

section 25

Table 1—Weight of waste or other material delivered or moved in vehicle

Vehicle type	Waste type or other material	GVM or GCM (t)								
		≤4.5	>4.5 ≤10.0	>10.0 ≤16.0	>16.0 ≤23.5	>23.5 ≤28.0	>28.0 ≤40.0	>40.0 ≤43.5	>43.5 ≤51.0	>51.0
articulated motor vehicle	any type or mixture of waste or other material	—	1t	3t	8t	12t	21t	24.75t	30.5t	41t
car	any type or mixture of waste	0.05t	—	—	—	—	—	—	—	—
car towing a trailer	any type or mixture of waste	0.25t	—	—	—	—	—	—	—	—
compactor truck	any type or mixture of waste or other material	—	1t	2.25t	5.25t	9.5t	13.25t	—	—	—
light commercial vehicle	any of the following— (a) MSW; (b) C&I; (c) any mixture of only MSW and C&I; (d) other material	0.75t	—	—	—	—	—	—	—	—
light commercial vehicle	C&D or any mixture of waste that includes C&D	1.25t	—	—	—	—	—	—	—	—

Vehicle type	Waste type or other material	GVM or GCM (t)								
		≤4.5	>4.5 ≤10.0	>10.0 ≤16.0	>16.0 ≤23.5	>23.5 ≤28.0	>28.0 ≤40.0	>40.0 ≤43.5	>43.5 ≤51.0	>51.0
rigid truck	any of the following— (a) MSW; (b) C&I; (c) any mixture of only MSW and C&I; (d) other material	—	1.75t	3.25t	5t	8.75t	12.5t	—	—	—
rigid truck	C&D or any mixture of waste that includes C&D	—	3.75t	7t	11t	13.75t	19.75t	—	—	—
rigid truck towing a trailer	any type or mixture of waste or other material	—	1t	3t	8t	12t	21t	24.75t	30.5t	41t
van or ute	any type or mixture of waste	0.2t	—	—	—	—	—	—	—	—
van or ute towing a trailer	any type or mixture of waste	0.4t	—	—	—	—	—	—	—	—

**Table 2—Weight multiplier for waste or other material delivered or moved in containers**

	Waste type or other material	Weight multiplier
1	MSW, C&I, any mixture of only MSW and C&I, or other material— (a) if the volume of waste or other material in the container is equal to or less than half the capacity of the container; or	0.08

## Schedule 4

	<b>Waste type or other material</b>	<b>Weight multiplier</b>
	(b) if the volume of waste or other material in the container is more than half the capacity of the container	0.15
2	C&D or any mixture of waste that includes C&D—	
	(a) if the volume of waste or other material in the container is equal to or less than half the capacity of the container; or	0.13
	(b) if the volume of waste or other material in the container is more than half the capacity of the container	0.25

## Schedule 5 Annual payments to local governments affected by waste levy

section 26

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Local government</b>	<b>Annual payment (\$)— 2023–2024 financial year</b>	<b>Annual payment (\$)— 2024–2025 financial year</b>	<b>Annual payment (\$)— 2025–2026 financial year</b>	<b>Annual payment (\$)— 2026–2027 financial year</b>
Banana Shire Council	486,764	502,811	524,208	545,604
Brisbane City Council	41,978,011	41,136,346	36,822,816	34,087,407
Bundaberg Regional Council	3,608,565	3,727,529	2,720,303	2,426,859
Burdekin Shire Council	535,608	553,265	576,808	600,351
Cairns Regional Council	1,072,753	1,113,272	806,811	753,329
Cassowary Coast Regional Council	1,190,813	1,230,071	1,282,414	1,334,758
Central Highlands Regional Council	958,864	990,475	1,032,623	1,074,770

## Schedule 5

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Local government</b>	<b>Annual payment (\$)—2023–2024 financial year</b>	<b>Annual payment (\$)—2024–2025 financial year</b>	<b>Annual payment (\$)—2025–2026 financial year</b>	<b>Annual payment (\$)—2026–2027 financial year</b>
Charters Towers Regional Council	360,715	372,607	388,463	404,319
Cook Shire Council	128,220	132,447	138,083	143,720
Douglas Shire Council	148,229	153,116	159,632	195,897
Fraser Coast Regional Council	3,770,033	3,894,320	2,842,025	2,535,451
Gladstone Regional Council	1,868,935	1,930,548	1,408,889	1,256,910
Gold Coast City Council	23,734,964	23,259,075	20,820,144	19,273,505
Goondiwindi Regional Council	383,115	395,745	412,585	429,425
Gympie Regional Council	1,639,022	1,693,055	1,765,100	1,837,145
Hinchinbrook Shire Council	333,289	344,277	358,927	373,577
Ipswich City Council	8,731,201	8,556,139	7,658,948	7,089,997

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Local government</b>	<b>Annual payment (\$)— 2023–2024 financial year</b>	<b>Annual payment (\$)— 2024–2025 financial year</b>	<b>Annual payment (\$)— 2025–2026 financial year</b>	<b>Annual payment (\$)— 2026–2027 financial year</b>
Isaac Regional Council	768,896	794,244	828,042	861,839
Livingstone Shire Council	1,115,720	1,152,502	1,201,545	1,250,587
Lockyer Valley Regional Council	1,228,293	1,203,666	1,077,450	997,411
Logan City Council	12,635,167	12,381,830	11,083,480	10,260,136
Mackay Regional Council	4,077,830	4,212,264	3,074,056	2,757,548
Maranoa Regional Council	471,647	487,196	507,927	528,659
Mareeba Shire Council	172,756	178,451	186,045	198,385
Moreton Bay City Council	16,883,748	16,545,227	14,810,305	13,710,111
Mount Isa City Council	948,033	979,287	1,020,959	1,075,159
Noosa Shire Council	3,089,236	3,027,296	2,709,856	2,508,552
North Burnett Regional Council	422,550	436,481	455,054	473,628

## Schedule 5

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Local government</b>	<b>Annual payment (\$)— 2023–2024 financial year</b>	<b>Annual payment (\$)— 2024–2025 financial year</b>	<b>Annual payment (\$)— 2025–2026 financial year</b>	<b>Annual payment (\$)— 2026–2027 financial year</b>
Palm Island Aboriginal Shire Council	40,444	41,778	43,555	45,333
Redland City Council	5,722,596	5,607,857	5,019,821	4,646,920
Rockhampton Regional Council	2,429,910	2,510,017	1,831,778	1,634,181
Scenic Rim Regional Council	1,717,860	1,683,416	1,506,894	1,394,954
Somerset Regional Council	865,875	848,514	759,539	703,116
South Burnett Regional Council	1,365,692	1,410,715	1,470,746	1,530,776
Southern Downs Regional Council	1,490,605	1,539,746	1,605,267	1,670,789
Sunshine Coast Regional Council	11,767,509	11,531,569	10,322,376	9,555,571
Tablelands Regional Council	944,766	975,913	1,017,441	1,058,969

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Local government</b>	<b>Annual payment (\$)— 2023–2024 financial year</b>	<b>Annual payment (\$)— 2024–2025 financial year</b>	<b>Annual payment (\$)— 2025–2026 financial year</b>	<b>Annual payment (\$)— 2026–2027 financial year</b>
Toowoomba Regional Council	5,479,551	5,369,685	4,806,624	4,523,515
Townsville City Council	6,470,342	6,683,650	4,877,643	4,351,483
Western Downs Regional Council	801,917	828,354	863,603	898,852
Whitsunday Regional Council	1,401,347	1,447,545	1,509,143	1,570,741
Wujal Wujal Aboriginal Shire Council	16,260	16,796	17,511	18,226
Yarrabah Aboriginal Shire Council	93,896	96,992	101,119	112,574

## **Schedule 6      Standard terms for container recovery agreements**

section 35

### **Part 1              Preliminary**

#### **1              Definition for schedule**

In this schedule—

*scheme contribution amount*, for a manufacturer of a beverage product, means an amount payable by the manufacturer of the beverage product to the Organisation to contribute to the costs mentioned in section 99Q(4)(a)(i) and (ii) of the Act.

### **Part 2              Container recovery agreements generally**

#### **2              Purpose of part**

This part states a standard term for a container recovery agreement between the Organisation and the manufacturer of a beverage product.

#### **3              Scheme contribution amounts**

- (1) A scheme contribution amount for the manufacturer of the beverage product is worked out using the scheme price for the type of container used for the product.
- (2) In this section—

*scheme price*, for a type of container, means the price, expressed in cents, published by the Organisation on its website as the unit price payable by manufacturers of beverage products for a container of that type.

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## **Part 3**                      **Small beverage manufacturers other than relevant beverage manufacturers**

### **4**            **Purpose of part**

Without limiting part 2, this part states standard terms for a container recovery agreement between the Organisation and a small beverage manufacturer, other than a small beverage manufacturer that is a relevant beverage manufacturer.

### **5**            **Elections about scheme contribution amounts**

The small beverage manufacturer may, by notice given to the Organisation—

- (a) elect to—
  - (i) have the scheme contribution amounts for the small beverage manufacturer worked out for periods of a month; and
  - (ii) pay those amounts monthly; and
- (b) withdraw an election made under paragraph (a).

### **6**            **Scheme contribution amounts in absence of election**

- (1) This section applies if the small beverage manufacturer—
  - (a) does not make an election under section 5(a); or
  - (b) under section 5(b), withdraws an election made under section 5(a).
- (2) A scheme contribution amount for the small beverage manufacturer—
  - (a) is worked out for a period of not less than a quarter in a financial year; and
  - (b) may not be required to be paid more than once in each quarter of a financial year.

## **Part 4**

# **Small beverage manufacturers that are relevant beverage manufacturers**

### **7 Purpose of part**

Without limiting part 2, this part states standard terms for a container recovery agreement between the Organisation and a small beverage manufacturer that is a relevant beverage manufacturer.

### **8 Elections about scheme contribution amounts**

The relevant beverage manufacturer may, by notice given to the Organisation—

- (a) elect to—
  - (i) have the scheme contribution amounts for the relevant beverage manufacturer worked out for periods of a month or a quarter; and
  - (ii) pay those amounts monthly or quarterly; and
- (b) withdraw an election made under paragraph (a).

### **9 Scheme contribution amounts in absence of election**

- (1) This section applies if the relevant beverage manufacturer—
  - (a) does not make an election under section 8(a); or
  - (b) under section 8(b), withdraws an election made under section 8(a).
- (2) A scheme contribution amount for the relevant beverage manufacturer—
  - (a) is worked out for a period of not less than a financial year; and
  - (b) may not be required to be paid more than once in a financial year.

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## 10 Returns stating particular sold beverage products

- (1) After the end of each financial year, the relevant beverage manufacturer must, on or before the return date, give the Organisation a return stating the number of beverage products, filled with a relevant beverage, that were sold in Queensland by the relevant beverage manufacturer during the financial year.
- (2) In this section—

*return date*, in relation to a return under subsection (1) for a financial year, means—

  - (a) if 21 July in the following financial year is not a business day—the next business day after 21 July in the following financial year; or
  - (b) otherwise—21 July in the following financial year.

*Example—*

The return date in relation to a return under subsection (1) for the 2023–2024 financial year is Monday, 22 July 2024 because 21 July 2024 is a Sunday.

## 11 Elections about returns under s 10

The relevant beverage manufacturer may, by notice given to the Organisation—

- (a) elect to give the Organisation 2 or more returns under section 10 relating to separate parts of a financial year for which a return is required; and
- (b) withdraw an election made under paragraph (a).

## **Schedule 7      Standard terms for particular container collection agreements**

section 39

### **1      Purpose of schedule**

This schedule states the standard terms for a container collection agreement between—

- (a) the Organisation; and
- (b) the operator of 2 or more container refund points under the agreement.

### **2      Arrangements for complying with particular obligations of operator**

The container collection agreement must include details of the arrangements, for each of the container refund points, for complying with the operator's obligations under the agreement in relation to the matters mentioned in section 99ZA(1)(a) of the Act.

### **3      Operator to give notice about subcontract details**

- (1) This section applies if, under the container collection agreement, the operator may subcontract the operation of a container refund point to another person (the *subcontractor*).
- (2) The operator must, within 5 business days after a subcontract starts, give the Organisation a notice stating the following matters—
  - (a) the name of the subcontractor;
  - (b) when the subcontract starts and ends;
  - (c) a summary of the terms of the subcontract.

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## **Schedule 8      Standard terms for material recovery agreements**

section 42

### **Part 1                      Material recovery agreements generally**

#### **1                      Purpose of part**

This part states a standard term for a material recovery agreement between the Organisation and the operator of a material recovery facility.

#### **2                      Claiming recovery amounts**

- (1) This section applies in relation to the quantity of containers the operator sorts and prepares for recycling for a quarter in a financial year.
- (2) The operator—
  - (a) may claim the recovery amount for the quantity only once for the quarter; and
  - (b) must claim the recovery amount for the quantity within 10 business days after the end of the quarter.

### **Part 2                      Material recovery agreements requiring recovery sharing arrangement**

#### **3                      Purpose of part**

Without limiting part 1, this part states standard terms for a material recovery agreement between the Organisation and the operator of a material recovery facility if the agreement

requires a written arrangement mentioned in section 42(b) of this regulation (a *recovery sharing arrangement*).

#### **4 Payment of recovery amounts**

The recovery sharing arrangement must state—

- (a) that the recovery amount for a quantity of containers under the arrangement is to be worked out under the recovery amount protocol; and
- (b) the following matters in relation to payment of the proportion of the recovery amount for a quantity of containers—
  - (i) the proportion, expressed as a percentage, of the recovery amount;
  - (ii) the frequency of payment;
  - (iii) the date by which each payment must be made.

#### **5 Notice about recovery sharing arrangement**

The operator must give the Organisation a notice about the recovery sharing arrangement that—

- (a) is signed by the operator and on behalf of the local government; and
- (b) states the matters mentioned in section 4(b).




#### **6 Failure to give notice about recovery sharing arrangement**

- (1) This section applies if the operator—
  - (a) claims a recovery amount for a quantity of containers for a quarter in a financial year; and
  - (b) has not given the Organisation a notice under section 5 about the recovery sharing arrangement.
- (2) The Organisation must not pay the operator the recovery amount for the quantity until the operator gives the

Organisation a notice under section 5 about the recovery sharing arrangement.

## Schedule 9 Design requirements for particular waste containers

section 62

Column 1 Waste	Column 2 Container colour	Column 3 Symbol	Column 4 Symbol colour	Column 5 Identification
clinical	yellow		black	clinical waste
cytotoxic	purple		white	cytotoxic waste- incinerate at 1,100°C
radioactive	red		black	radioactive waste

# Schedule 10 Treatment and disposal of clinical and related waste

## section 67

### 1 Definitions for schedule

In this schedule—

*A* means autoclaving and shredding.

*C* means compaction.

*CH* means chemical disinfection using hypochlorite and shredding.

*CP* means chemical disinfection using peroxide, lime and shredding.

*I* means incineration.

*L* means landfill.

*M* means microwaving and shredding.

Waste type	Treatment and disposal process						
	A	C	CH	CP	I	L	M
chemical	no	no	no	no	yes (if licensed)	no	no
cytotoxic	no	no	no	no	yes	no	no
human body parts	no	no	no	yes	yes	no	no
pharmaceutical	no	no	no	no	yes	no	no
radioactive	no	no	no	no	no	no	no
treated clinical	—	yes	—	—	—	yes	—

Waste type	Treatment and disposal process						
	A	C	CH	CP	I	L	M
untreated clinical	yes	yes (other than animal carcasses and sharps)	yes	yes	yes	no (other than in a scheduled area)	yes

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**Schedule 11 Disposal ban waste**

section 89

<b>Column 1 Area</b>	<b>Column 2 Type of waste</b>
all of the State	PCB waste, within the meaning of part 11, that is a liquid related waste  waste that is scheduled PCB material within the meaning of part 11
all of the State, other than a scheduled area	untreated clinical waste

## Schedule 12 Fees

section 93

	<b>Fee units</b>
1 Exempt waste application (Act, s 28(4)(c))—	
(a) for waste that has been donated to a charitable recycling entity but that can not practicably be re-used, recycled or sold	nil
(b) for waste collected by members of the community during an organised event directed at remediating the results of a person having done something that may be an offence under section 103 or 104 of the Act	nil
(c) for earth contaminated with a hazardous contaminant from land recorded in the environmental management register or contaminated land register	202.90
(d) for waste to be used at a levyable waste disposal site for a purpose necessary for the operation of the site, if the application is made at the same time as an application to amend an environmental authority under the Environmental Protection Act, section 224	nil
(e) for any other application about waste to be used at a levyable waste disposal site for a purpose necessary for the operation of the site	351.10
(f) for biosecurity waste	nil
2 Request to amend an approval of waste as exempt waste (Act, s 33(2))—	
(a) for waste that has been donated to a charitable recycling entity but that can not practicably be re-used, recycled or sold	nil

	<b>Fee units</b>
(b) for waste collected by members of the community during an organised event directed at remediating the results of a person having done something that may be an offence under section 103 or 104 of the Act	nil
(c) for earth contaminated with a hazardous contaminant from land recorded in the environmental management register or contaminated land register	53.10
(d) for waste to be used at a levyable waste disposal site for a purpose necessary for the operation of the site	53.10
(e) for biosecurity waste	nil
3 Residue waste discounting application (Act, s 44(2)(c))—	
(a) for the first application	252.80
(b) for each subsequent application	126.30
4 Request to amend an approval of a discounted rate for the waste levy for residue waste (Act, s 49(2))	53.10
5 Application for accreditation of a voluntary product stewardship scheme (Act, s 89(2)(c))	418.10
6 Application for an end of waste approval (Act, s 173S(c))—	
(a) for using a liquid waste as a soil conditioner or fertiliser—	
(i) if the waste is a result of coal seam gas extraction	19,121.00
(ii) otherwise	7,651.00
(b) for using a sludge or soil waste as a soil conditioner or fertiliser—	
(i) if the waste is biosolids	2,872.00
(ii) otherwise	7,651.00

## Schedule 12

	<b>Fee units</b>
(c) for using any kind of waste as a resource for an industrial activity—	
(i) if associated with the carrying out of an environmentally relevant activity	3,829.00
(ii) otherwise	5,739.00
(d) for using any kind of waste as a resource for augmenting a water supply	66,907.00
(e) otherwise	2,872.00
7 Application to amend an end of waste approval (Act, s 173S(c))	50% of the number of fee units mentioned in item 6
8 Application to transfer an end of waste approval (Act, s 173S(c))	138.30

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## Schedule 13 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.

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

***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 13, see section 69.

***C&D*** means construction and demolition waste.

***C&I*** means waste generated from any of the following commercial or industrial activities, unless the waste is construction and demolition waste—

- (a) a manufacturing or industrial activity;
- (b) a mining activity;
- (c) an activity carried out at domestic premises under a commercial arrangement;

*Example*—

waste generated from a printing business carried out at domestic premises

- (d) an activity carried out by a charity or church;
- (e) an activity within the meaning of veterinary science under the *Veterinary Surgeons Act 1936*, section 2A;

- (f) a primary industry activity, including, for example, an agricultural, forestry or fishing activity;
- (g) a recycling activity, including, for example, sorting, resource recovery and reprocessing;
- (h) the provision of accommodation services;
- (i) the provision of hospitality services, including, for example, catering;
- (j) the provision of health services, including, for example, operating a nursing home;
- (k) the provision of educational services;
- (l) wholesale or retail trading;
- (m) a concert or other entertainment event;
- (n) another business activity, including, for example, an administrative service.

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

**category 1 regulated waste** see the *Environmental Protection Regulation 2019*, section 43.

**category 2 regulated waste** see the *Environmental Protection Regulation 2019*, section 43(4).

**chemical** see the *Environmental Protection Regulation 2019*, schedule 19, part 2.

**chemical waste** means waste generated from the use of chemicals in medical, dental, veterinary or laboratory procedures, and includes, for example, mercury, formalin and glutaraldehyde.

**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.

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***coal power station ash*** means ash that is produced in a power station in Queensland by a furnace fired from a fuel source that—

- (a) consists of at least 90% coal; and
- (b) otherwise consists of biomass, biosolids or other fuel to support ignition.

*Examples of ash—*

- ash in gas in the flue of the furnace
- ash formed at the bottom, or on the walls, of the furnace

***compactor truck*** means a truck constructed, fitted or equipped with a mechanism for compacting the waste carried on the truck.

***complying brand owner***, for part 13, see section 70.

***concentrated PCB material***, for part 11, see section 49.

***construction and demolition waste—***

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

***consumer packaging***, for part 13, see section 69.

***consumer packaging material***, for part 13, see section 71.

***covenant***, for part 13, see section 69.

***covenant signatory***, for part 13, see section 69.

***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*** means a development approval under the *Planning Act 2016*.

***development condition***—

- 1 *Development condition*, of a development approval, means a condition of the approval imposed by, or because of, a requirement of—
  - (a) the administering authority under the Environmental Protection Act; or
  - (b) the assessment manager or referral 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 paragraph 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 11, see section 49.

***distribution packaging***, for part 13, see section 69.

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

***e-waste*** means electrical or electronic equipment that is waste, including, for example, components and power supplies.

***free-flowing***, in relation to blood or other bodily fluids, means blood, a blood product or another bodily fluid that is flowing, dripping or oozing, is liquid or is able to be squeezed from material.

***free rider***, for part 13, see section 69.

***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.

***guideline for water quality*** means the guideline called ‘Australian and New Zealand Guidelines for Fresh and Marine

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Water Quality, Volume 1, The Guidelines’, dated 2018 and published by the Australian and New Zealand Environment and Conservation Council.

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

***human body parts*** means recognisable organs, bones or 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 any of the following—

- (a) tissue, blood, blood products or other bodily fluids that are removed from a person during—
  - (i) surgery, an autopsy or another medical procedure; or
  - (ii) postoperative care or treatment;
- (b) a specimen of tissue, blood, blood products or other bodily fluids and the container in which the specimen is kept;
- (c) discarded material saturated with, or containing, free-flowing blood or other body fluids.

***indexation rate***, for a financial year, for part 4, division 3, see section 12.

***kerbside recycling collection***, for part 13, see section 69.

***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.

***level 1 rate***, for part 4, division 3, see section 13.

***level 2 rate***, for part 4, division 3, see section 14.

***licensed***, for schedule 10, means the person who operates the premises mentioned in section 67 of this regulation holds, or is acting under, the required authority for the activity.

**licensed disposal facility**, for part 11, see section 49.

**licensed treatment facility**, for part 11, see section 49.

**light commercial vehicle** means a motor vehicle, other than a car or motorbike, that—

- (a) is more than 4t but not more than 4.5t GVM; and
- (b) is constructed, fitted or equipped for the carriage of goods.

**measure**, for part 13, see section 69.

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

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

**MSW** means municipal solid waste.

**municipal solid waste**—

1 *Municipal solid waste* means—

- (a) waste generated by a household, if—
  - (i) the waste is collected from domestic premises—
    - (A) by or for an occupant of the premises, unless the waste is collected under a commercial arrangement; or  
*Example of waste collected under a commercial arrangement—*  
waste collected by a skip bin collection service
    - (B) by or for a local government; and
  - (ii) the waste is not waste generated from an activity carried out at domestic premises under a commercial arrangement; or
- (b) any of the following types of waste collected by or for a local government—
  - (i) waste generated from street sweeping;

- (ii) waste collected from public rubbish bins;
  - (iii) waste generated from maintaining a public space, including, for example, a public garden and public park;
  - (iv) large items collected from domestic premises by a kerbside collection service.
- 2 However, *municipal solid waste* does not include feedstock used for a recycling activity carried out under a commercial arrangement.

***packaging chain***, for part 13, see section 69.

***PCB***, for part 11, see section 49.

***PCB-free***—

- (a) in relation to material, for part 11—see section 50(1); or
- (b) in relation to equipment, for part 11—see section 50(2).

***PCB material***, for part 11, see section 49.

***PCB waste***, for part 11, see section 49.

***performance history***, of a person conducting a recycling activity, for part 4, division 4, see section 19.

***pharmaceutical product*** means an S4 medicine under the *Medicines and Poisons Act 2019*.

***pharmaceutical waste*** means—

- (a) waste arising from pharmaceutical products that—
  - (i) have passed their recommended shelf life; or
  - (ii) have been discarded due to off-specification batches or contaminated packaging; or
  - (iii) have been returned by patients or discarded by the public; or
  - (iv) are no longer required by the public; or
- (b) waste generated during the manufacture of pharmaceutical products.

***plastic bag***, for part 13, see section 69.

**quarter**, in a financial year, means—

- (a) 1 July to 30 September in the year; or
- (b) 1 October to 31 December in the year; or
- (c) 1 January to 31 March in the year; or
- (d) 1 April to 30 June in the year.

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

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

**recover**, in relation to consumer packaging material, for part 13, see section 69.

**recovery rate**, of a brand owner for a period, for part 13, see section 72.

**recovery sharing arrangement** see schedule 8, section 3.

**recycle**, in relation to a product, for part 13, see section 69.

**recycling efficiency**, for part 4, division 4, see section 19.

**recycling efficiency threshold**, for a recycling activity, for part 4, division 4, see section 19.

**registered**, in relation to a trade mark, for part 13, see section 69.

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

**relevant authority**, for part 11, see section 49.

**relevant beverage** means—

- (a) wine; or
- (b) a spirituous liquid, other than a spirituous liquid mixed with another beverage that is not a spirituous liquid.

**relevant beverage manufacturer**, in relation to a financial year, means a manufacturer of a beverage product in a glass container filled with a relevant beverage if the manufacturer

manufactures not more than 100,000 of the beverage product for the financial year.

**residential premises** means—

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

**re-use**, in relation to a product, for part 13, see section 69.

**rigid truck** means any truck, other than an articulated truck or a compactor truck.

**scheduled area** see the *Environmental Protection Regulation 2019*, section 16.

**scheduled PCB material**, for part 11, see section 49.

**scheme contribution amount**, for a manufacturer of a beverage product, for schedule 6, see schedule 6, section 1.

**secondary resource**, for part 13, see section 69.

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

**small beverage manufacturer** see section 99R(2) of the Act.

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

**trade mark**, for part 13, see section 69.

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

**truck** means a motor vehicle with a GVM of more than 4.5t.

**van or ute** means a motor vehicle, other than a car or motorbike, that—

- (a) is not more than 4t GVM; and
- (b) is constructed, fitted or equipped for the carriage of goods.

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

**wine**—

- (a) means a beverage that is made by fermenting grapes, whether or not—
  - (i) the beverage is mixed with another beverage made from grapes; or
  - (ii) alcohol has been removed from the beverage; but
- (b) does not include a wine-based beverage.

**wine-based beverage** means a beverage that is a mixture of wine and another beverage not made from grapes.