

Waste Reduction and Recycling (Waste Levy) and Other Legislation Amendment Bill 2018

Amendments during consideration in detail to be moved by
The Honourable the Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts

1 Clause 1 (Short title)

Page 10, line 5, ‘*and Other Legislation*’—
omit.

2 Clause 2 (Commencement)

Page 10, line 7, ‘4 February 2019’—
omit, insert—
1 June 2019

3 Clause 2 (Commencement)

Page 10, line 12, ‘4 March 2019’—
omit, insert—
1 July 2019

4 Clause 5 (Amendment of s 8A (Meaning of *waste disposal site*))

Page 11, lines 10 to 12—
omit, insert—

(1) Section 8A(b), ‘commonly’—
omit, insert—

sometimes

(2) Section 8A—
insert—

(2) However, a waste facility is not a *waste disposal site* only because a type of exempt waste prescribed by regulation for this

definition is disposed of to landfill at the facility.

5 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 13, after line 11—

insert—

(aa) serious local event waste; or

6 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 14, line 1, after ‘spoil’—

insert—

if, for dredge spoil that is acid sulfate soil, the dredge spoil has been treated in accordance with best practice environmental management, within the meaning of the Environmental Protection Act, section 21, for the treatment and management of acid sulfate soils, as stated in a guideline prescribed by regulation

7 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 14, lines 3 and 4, ‘or a local government’—

omit, insert—

, a local government or a plantation licensee under the *Forestry Act 1959*

8 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 15, lines 6 to 13—

omit, insert—

2021—either of the following periods—

- (i) the period starting on 1 July 2019 and ending on 30 June 2020;
- (ii) the period starting on 1 July 2020 and ending on 30 June 2021; or

9 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 16, after line 10—

insert—

serious local event—

1 A *serious local event* is a serious disruption in a community, caused by the impact of an event, that requires a significant coordinated response by a local government and other entities to help the community recover from the disruption.

2 For paragraph 1—

(a) a serious disruption is—

- (i) loss of human life, or illness or injury to humans; or
- (ii) widespread or severe property loss or damage; or
- (iii) widespread or severe damage to the environment; and

(b) an event is an event under the *Disaster Management Act 2003*, section 16.

serious local event waste—

(a) means waste generated by activities in the immediate preparation for, or by or because of, a serious local event—

(i) but only within the limits, if any, declared by the chief executive under

section 27B, for the serious local event;
and

- (ii) subject to the requirements of section 27A; but
- (b) does not include waste generated by activities in general preparation for storms that are predicted or are likely to occur in a particular season each year or in anticipation of the next cyclone season.

10 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 17, after line 23—

insert—

Division 1A Serious local event waste

27A Notifying chief executive that waste is serious local event waste in particular circumstances

- (1) This section applies if the chief executive officer of a local government reasonably believes—
 - (a) there is or will be a serious local event in the local government's local government area;
and
 - (b) an exemption from the levy on types of waste generated as a result of the serious local event and delivered to particular waste disposal sites should be allowed.
- (2) The chief executive officer must notify the chief executive as soon as practicable of the following matters in relation to waste that has been or will be generated as a result of the serious local event—
 - (a) the type of waste that is to be serious local event waste;

- (b) the waste disposal sites at which the waste will be disposed of;
 - (c) the period for which the waste is to be serious local event waste.
 - (3) The maximum period for subsection (2)(c) is the period starting 7 days immediately before the serious local event starts or is predicted to start and ending 28 days after the serious local event ends.
 - (4) If the chief executive officer acts under subsection (2), and subject to section 27B, the type of waste stated in the notice is serious local event waste if—
 - (a) waste of that type is delivered to a stated waste disposal site during the stated period; and
 - (b) the site operator of the waste disposal site does not charge for the delivery of the waste to the site.

27B Chief executive may declare limits for serious local event waste

- (1) The chief executive may, by publication on the department's website, declare limits applying to the status of waste as serious local event waste in relation to a particular serious local event.

Examples of declared limits—

- a declaration that waste is serious local event waste only for a stated period
 - a declaration that waste is serious local event waste only if it is disposed of at a stated site
 - a declaration that, after a stated day, waste is serious local event waste only if delivered by stated entities
- (2) If the chief executive makes a declaration under subsection (1), the chief executive must take all reasonable steps to ensure that persons likely to be

directly affected by the declaration are made aware of it, including, for example, by advertising in newspapers, on radio or on television.

- (3) A declaration made under subsection (1) is not invalid merely because of a failure to comply with subsection (2).

11 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 18, line 10, ‘listed on’—

omit, insert—

recorded in

12 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 18, line 20—

omit, insert—

- (e) biosecurity waste;
- (f) serious local event waste.

13 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 18, after line 24—

insert—

- (3A) In addition, if the application is about serious local event waste, the application may be made only by the chief executive officer of the local government in whose local government area the serious local event waste was generated.

14 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 19, lines 14 to 17—

omit.

15 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 26, after lines 5 and 16—

insert—

(1A) For subsection (1)(b), the rate of the waste levy for exempt waste is taken to be zero.

16 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 33, lines 22, 25 and 26, page 34, lines 13 and 28, page 35, line 15, page 37, line 15 and page 38, lines 6 and 12, ‘levyable’—

omit.

17 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 39, lines 19 and 20, from ‘This’ to ‘site’—

omit, insert—

The operator of a waste disposal site in the waste levy zone must ensure a weighbridge is installed at the site

18 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 39, line 25, ‘4 March 2019’—

omit, insert—

1 July 2019

19 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 39, line 32 to page 40, line 2—

omit.

20 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 40, after line 3—

insert—

- (2) If a waste disposal site is in the non-levy zone and receives during the period from 1 July 2019 to 31 December 2019 at least 300 tonnes of levyable waste generated outside the non-levy zone, the operator must ensure a weighbridge is installed at the site by 30 June 2020.

Maximum penalty—300 penalty units.

21 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 40, line 4, ‘If the levyable’—

omit, insert—

From 1 January 2020, if a

22 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 40, lines 11 to 15—

omit.

23 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 40, line 17, ‘levyable’—

omit.

24 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 42, line 3, before ‘Waste’—

insert—

(1)

25 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 42, line 10, after ‘delivered’—

insert—

in a vehicle with a GCM or GVM of more than 4.5 tonnes

26 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 42, after line 18—

insert—

(2) Subsection (1) does not apply in relation to a levyable waste disposal site in the non-levy zone if the operator of the site—

(a) is required to hold an environmental authority for the disposal of not more than 5,000 tonnes of waste in a year at the site; and

(b) has taken all reasonable practical steps to ensure that levyable waste generated at a place outside the non-levy zone can not be lawfully delivered to the site.

27 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 50, lines 24 to 26—

omit, insert—

(b) either—

- (i) from 1 July 2019 to 31 December 2019—at least 300 tonnes of levyable waste, generated outside the non-levy zone, is received at the site; or
- (ii) from 1 January 2020—at least 600 tonnes of levyable waste, generated outside the non-levy zone, is received at the site during a year.

28 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 51, lines 21 to 25—

omit.

29 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 54, lines 31 and 32—

omit.

30 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 67, line 4, ‘levyable’—

omit.

31 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 67, lines 6 and 7, ‘of a levyable waste disposal site’—

omit.

32 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 70, lines 10 and 16 and page 72, line 27, ‘levyable’—
omit.

33 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 80, line 31 to page 81, line 2—
omit, insert—

(b) either—

(i) from 1 July 2019 to 31 December 2019—at least 300 tonnes of levyable waste, generated outside the non-levy zone, is received at the resource recovery area; or

(ii) from 1 January 2020—at least 600 tonnes of levyable waste, generated outside the non-levy zone, is received at the resource recovery area during a year.

34 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 82, lines 6 to 10—
omit.

35 Clause 6 (Replacement of ch 3 (Obligations of operator of waste disposal site))

Page 84, line 28, ‘or’—
omit, insert—

of

36 After clause 9

Page 89, after line 23—

insert—

9A Amendment of s 204 (Power to enter)

Section 204(1), ‘section 41(1)’—

omit, insert—

section 53(2)

9B Amendment of s 206 (Application of div 1)

Section 206, ‘section 41(1)’—

omit, insert—

section 53(2)

37 Clause 19 (Insertion of new ch 16, pt 3)

Page 97, lines 8 and 9—

omit, insert—

**for particular residue waste during transition
period**

38 Clause 19 (Insertion of new ch 16, pt 3)

Page 99, line 1—

omit.

39 Clause 19 (Insertion of new ch 16, pt 3)

Page 102, line 1, ‘45%’—

omit, insert—

33%

40 Clause 19 (Insertion of new ch 16, pt 3)

Page 105, line 24, ‘1,000’—

omit, insert—

2,000

41 Clause 19 (Insertion of new ch 16, pt 3)

Page 105, lines 27 and 28—

omit, insert—

an exemption during the transition period from the requirements under section 57.

42 Clause 19 (Insertion of new ch 16, pt 3)

Page 107, lines 28 to 30, after ‘practicable’—

omit, insert—

to use the weighbridge to measure and record waste or other material delivered to the site in a vehicle with a GCM or GVM of 4.5 tonnes or less; and

43 Clause 19 (Insertion of new ch 16, pt 3)

Page 108, lines 15 and 16 and page 109, lines 28 and 29, ‘4 February 2019 and the end of April 2019’—

omit, insert—

1 June 2019 and the end of August 2019

44 Clause 19 (Insertion of new ch 16, pt 3)

Page 109, line 30, after ‘area’—

insert—

for a waste disposal site in the waste levy zone

45 Clause 20 (Amendment of schedule (Dictionary))

Page 112, lines 3 to 6—

omit, insert—

clean earth—

- (a) means earth that is not contaminated with waste or otherwise contaminated with a hazardous contaminant; but
- (b) does not include acid sulphate soil, other than acid sulphate soil that—
 - (i) is not contaminated with waste, or otherwise contaminated with a hazardous contaminant, other than naturally occurring iron sulphides that produce sulphuric acid when exposed to air; and
 - (ii) has been treated in accordance with best practice environmental management, within the meaning of the Environmental Protection Act, section 21, for the treatment and management of acid sulfate soils, as stated in a guideline prescribed by regulation.

contaminated land register see the Environmental Protection Act, schedule 4.

46 Clause 20 (Amendment of schedule (Dictionary))

Page 112, after line 17—

insert—

environmental management register see the Environmental Protection Act, schedule 4.

47 Clause 20 (Amendment of schedule (Dictionary))

Page 113, after line 21—

insert—

serious local event, for chapter 3, see section 26.

serious local event waste, for chapter 3, see section 26.

48 Clause 20 (Amendment of schedule (Dictionary))

Page 114, lines 1 to 10—

omit, insert—

(3) Schedule, definition *waste facility*, paragraph 2—

omit, insert—

2 However, a *waste facility* does not include any of the following facilities—

(a) a facility that is lawfully operated for the sole purpose of disposing of waste generated by an environmentally relevant activity carried out under the Environmental Protection Act if—

(i) the waste is or was generated only by, and its generation is or was ancillary to, the operation of the activity; and

(ii) the activity is not a waste management ERA; and

(iii) the facility is operated by or for the entity carrying out the activity; and

(iv) the facility is authorised under the same environmental authority as the activity;

(b) a facility that is lawfully operated for the sole purpose of disposing

of waste generated by 1 or more resource activities carried out under the Environmental Protection Act if—

- (i) the waste is or was generated only by, and its generation is or was ancillary to, the operation of 1 or more of the resource activities; and
 - (ii) the facility is operated by or for an entity carrying out 1 or more of the resource activities; and
 - (iii) the facility is authorised under the same environmental authority as 1 of the resource activities;
- (c) a facility that is lawfully operated for the sole purpose of disposing of waste generated by the processing, handling, storage or transport of materials from a resource activity carried out under the Environmental Protection Act if—
- (i) the waste is or was generated only by, and its generation is or was ancillary to, the processing, handling, storage or transport of the materials from the resource activity; and
 - (ii) the facility is operated by or for the entity carrying out the resource activity; and
 - (iii) the facility is authorised under the same

environmental authority as the resource activity;

(d) a facility that is lawfully operated for the sole purpose of disposing of waste generated to remediate contaminated land recorded in the environmental management register or contaminated land register if—

(i) the waste was generated by an activity (the *initial activity*) lawfully carried out on the contaminated land before the initial activity became an environmentally relevant activity under the Environmental Protection Act (the *relevant activity*); and

(ii) from the day the initial activity became the relevant activity, the waste is or was generated by the relevant activity carried out on the contaminated land; and

(iii) all of the following apply—

(A) the waste is or was generated only by, and its generation is or was ancillary to, the operation of the initial activity or relevant activity;

(B) the relevant activity is not a resource activity under the Environmental Protection Act or a

- waste management
ERA;
- (C) the facility is operated by or for the entity carrying out the relevant activity;
- (D) the facility is authorised under the same environmental authority as the relevant activity.
- (4) Schedule, definition *waste management ERA*, paragraphs (b) to (m)—
omit, insert—
- (b) mechanically crushing, milling, grinding, shredding or sorting waste;
 - (c) mechanically reprocessing waste;
 - (d) battery recycling;
 - (e) composting organic material, anaerobically digesting organic material or manufacturing soil conditioner;
 - (f) waste reprocessing or treatment;
 - (g) waste storage;
 - (h) regulated waste transport;
 - (i) regulated waste treatment;
 - (j) tyre recycling;
 - (k) waste disposal;
 - (l) waste incineration, thermal waste reprocessing or thermal treatment;
 - (m) operating a waste transfer station or resource recovery facility;
 - (n) maintaining a decommissioned waste disposal facility.

49 Part 3 (Amendment of City of Brisbane Act 2010)

Page 114, line 11 to page 115, line 13—

omit.

50 Part 4 (Amendment of Local Government Act 2009)

Page 115, line 14 to page 116, line 13—

omit.

51 Long title

Long title, ‘the *City of Brisbane Act 2010*, the *Local Government Act 2009* and’—

omit.

© State of Queensland 2019