



Queensland

Waste Reduction and Recycling (Waste Levy) Amendment Regulation 2018

Subordinate Legislation 2018 No. ...

made under the

Waste Reduction and Recycling Act 2011

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1 Short title

This regulation may be cited as the *Waste Reduction and Recycling (Waste Levy) Amendment Regulation 2018*.

2 Commencement

This regulation commences on 4 March 2019.

3 Regulation amended

This regulation amends the *Waste Reduction and Recycling Regulation 2011*.

4 Replacement of s 6 (Regulated waste)

Section 6—
omit, insert—

6 Regulated waste

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

5 Replacement of pt 3 (Obligations of operators of waste disposal sites)

Part 3—
omit, insert—

Part 3 Waste levy

Division 1 Identifying exempt waste

8 Purpose of division

This division prescribes, for section 30(3) of the Act, the circumstances in which the chief

[s 5]

executive must refuse an exempt waste application.

9 Earth contaminated with a hazardous contaminant

- (1) The chief executive must refuse an exempt waste application relating to earth contaminated with a hazardous contaminant from land listed on the environmental management register or contaminated land register unless satisfied the earth—
 - (a) was contaminated before 1 January 1992; or
 - (b) 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.
- (2) Also, the chief executive must refuse an exempt waste application relating to earth contaminated with a hazardous contaminant from land listed on the environmental management register or contaminated land register unless satisfied the earth—
 - (a) is, if analysed in accordance with the site contamination guideline, contaminated solely with petroleum hydrocarbons; or
 - (b) contains only contaminants that can be reasonably treated by bioremediation and made suitable for any use.
- (3) In this section—

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

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

Example—

essential infrastructure or a school

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

Example—

a hospital, State or local government library or museum

site contamination guideline means the guideline called 'Schedule B(3)—Guideline on laboratory analysis of potentially contaminated soils' made by the National Environment Protection Council, as in force from time to time.

10 Waste to be used at a 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 (an ***operational purpose***) unless satisfied—

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

Division 2 Waste levy

11 Rate of waste levy—Act, s 37

For section 37(1) of the Act, the rate of the waste levy for a type of waste is the rate mentioned in schedule 1 opposite the type of waste for the year for which the levy applies.

12 Waste levy on levyable waste—Act, s 37

- (1) For section 37(2) of the Act, the total amount of waste levy imposed on all levyable waste 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 following formula—

$$L = A \times B$$

where—

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

A is the total weight, in tonnes, of the type of levyable waste delivered to a levyable waste disposal site in the levy period.

B is the applicable rate of waste levy imposed on the type of levyable waste for the year for which the waste levy is worked out.

13 Local government areas making up the waste levy zone—Act, s 43

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

Division 3 Discounting waste levy for residue waste**14 Prescribed recycling activities—Act, s 44**

For section 44(1) of the Act, a recycling activity mentioned in schedule 3, column 1 is prescribed.

15 Criteria for deciding residue waste discounting application—Act, s 46

For section 46(2)(c) of the Act, the criteria are—

- (a) an applicant's performance history for carrying out a recycling activity compared to—
 - (i) industry benchmarks or best practice guidelines; and
 - (ii) the recycling efficiency threshold for the activity; and
- (b) the strategies or practices proposed in the application to progressively improve the efficiency of the applicant's recycling activity during the period of the approval.

16 Refusing residue waste discounting application—Act, s 46

- (1) This section prescribes, for section 46(3) of the Act, 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 the applicant's performance history achieves, as a minimum, the recycling efficiency threshold mentioned in schedule 3, column 2 for the activity.
- (3) Subsection (2) does not apply if the chief executive is satisfied—
 - (a) it is not reasonably practical for the applicant to achieve, as a minimum, the recycling efficiency threshold for the activity; and
 - (b) the strategies or practices proposed in the application to progressively improve the efficiency of the applicant's recycling activity will enable the applicant to achieve

[s 5]

a recycling efficiency during the period of the approval that is as close to the recycling efficiency threshold for the activity as is reasonably practical in the circumstances.

17 Discounted rate for waste levy for residue waste—Act, s 44

For section 44(4) of the Act, the discounted rate for the waste levy for residue waste is 50 per cent of the rate for the waste levy for other levyable waste.

Note—

See schedule 1 for the rate of levyable waste for other levyable waste.

18 Conditions on approvals of residue waste discounting applications—Act, s 47

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

- recycling activity for each month of the reporting period; and
 - (iii) the weight of residue waste, in tonnes, disposed of to landfill for each month of the reporting period; and
 - (b) details of the extent to which the holder of the approval has implemented the strategies or practices proposed to progressively improve the efficiency of the holder's recycling activities in the reporting period.
- (3) In this section—
- reporting period*** means either of the following periods in a year—
- (a) the period starting on 1 January and ending on 30 June in the year;
 - (b) the period starting on 1 July and ending on 31 December in the year.

Division 4 Other provisions

19 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*, the weight measurement criteria are—
 - (a) for a delivery vehicle other than a skip bin truck—the criteria mentioned in schedule 4, table 1; or
 - (b) for a skip bin truck—the criteria mentioned in schedule 4, table 2.
- (2) Under the weight measurement criteria, the weight of waste or other material is—

[s 5]

- (a) for a delivery vehicle other than a skip bin truck—depending on the GVM or GCM of the vehicle, the weight mentioned in schedule 4, table 1, columns 3 to 11, opposite the type of vehicle and the waste or other material; and
- (b) for a skip bin truck—the weight, in tonnes, worked out by multiplying the total capacity of the skip bin, in cubic metres, by the weight multiplier mentioned in schedule 4, table 2, column 3, opposite the type of waste.

Examples—

- 1 A skip bin truck delivers 1 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, under the weight measurement criteria, is 0.8t.
- 2 A skip bin truck delivers 1 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, under the weight measurement criteria, is 1.5t.

20 Annual payments to local governments—Act, s 73D

- (1) For section 73D(1) of the Act, the annual payment to be made to each local government affected by the waste levy is a payment for a financial year worked out using the following formula—

$$P = A \times B \times C \times 1.05$$

where—

P is the amount of the annual payment payable to a local government for the financial year.

A is the total weight, in tonnes, of municipal solid

waste generated in the local government's local government area, other than excluded waste, that is delivered to a levyable waste disposal site in the levy zone in the financial year starting on 1 July 2017.

Note—

The **A** value for each local government area is published on the department's website.

B is the average of the waste levy rates mentioned in schedule 1 opposite the type of waste for the relevant calendar years for the financial year.

Example—

The value for **B** for other levyable waste for the 2019–2020 financial year is \$72.50 each tonne, being the average of the waste levy rate for 2019 and the waste levy rate for 2020.

C is an adjustment made by the chief executive for the projected population change in the local government area between the financial year starting on 1 July 2018 and the financial year for which the annual payment is worked out.

Note—

The **C** adjustment value for each local government area is published on the department's website.

- (2) However, if an annual payment payable to a local government relates to a period that is less than a year, a pro-rata amount of the annual payment is payable for the financial year.

- (3) In this section—

Cairns Bedminster facility see section 309 of the Act.

excluded waste means—

- (a) exempt waste; or
- (b) food and green waste mixtures delivered to a waste disposal site separately from other waste; or

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- (c) green waste delivered to a waste disposal site separately from other waste; or
- (d) feedstock used for a recycling activity carried out at a material recovery facility or the Cairns Bedminster facility.

material recovery facility see section 309 of the Act.

relevant calendar years, for a financial year, means each calendar year part of which comprises the financial year.

21 Day for reviewing particular matters—Act, s 271

For section 271(2)(g) of the Act, the day is 30 June 2022.

6 Omission of ss 43 and 44

Sections 43 and 44—

omit.

7 Amendment of s 45 (Fees)

Section 45, ‘schedule 7’—

omit, insert—

schedule 5

8 Insertion of new schs 1–4

Before schedule 5—

insert—

Schedule 1 Waste levy rates

sections 11 and 20(1)

Type of waste	Waste levy rate—2019	Waste levy rate—2020	Waste levy rate—2021	Waste levy rate—2022
acid sulfate soil	\$70 each tonne	\$75 each tonne	\$80 each tonne	\$85 each tonne
earth contaminated with a hazardous contaminant from land listed on the environmental management register or contaminated land register	\$70 each tonne	\$75 each tonne	\$80 each tonne	\$85 each tonne
category 1 regulated waste, other than acid sulfate soil or earth contaminated with a hazardous contaminant from land listed on the environmental management register or contaminated land register	\$150 each tonne	\$155 each tonne	\$160 each tonne	\$165 each tonne
category 2 regulated waste, other than acid sulfate soil or earth contaminated with a hazardous contaminant from land listed on the environmental management register or contaminated land register	\$100 each tonne	\$105 each tonne	\$110 each tonne	\$115 each tonne
other levyable waste	\$70 each tonne	\$75 each tonne	\$80 each tonne	\$85 each tonne

Schedule 2 Waste levy zone

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

27	Redland City Council
28	Rockhampton Regional Council
29	Scenic Rim Regional Council
30	Somerset Regional Council
31	South Burnett Regional Council
32	Southern Downs Regional Council
33	Sunshine Coast Regional Council
34	Tablelands Regional Council
35	Toowoomba Regional Council
36	Townsville City Council
37	Western Downs Regional Council
38	Whitsunday Regional Council

Schedule 3 Prescribed recycling activities and recycling efficiency thresholds

sections 14 and 16(2)

Column 1 Recycling activity	Column 2 Recycling efficiency threshold %
e-waste recycling	90
paper and cardboard recycling	65
glass recovery or recycling	65
metal recovery or recycling	70

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Column 1 Recycling activity	Column 2 Recycling efficiency threshold %
plastic recycling using an extrusion, washing or flaking process	85
tyre recycling	80

Schedule 4 Weight measurement criteria

section 19

Table 1—Weight measurement criteria for delivery vehicles other than skip bin trucks

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	MSW or C&I or any mixture of only MSW and C&I or other material	0.75t	—	—	—	—	—	—	—	—

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
light commercial vehicle	C&D or any mixture of waste that includes C&D	1.25t	—	—	—	—	—	—	—	—
rigid truck	MSW or C&I or any mixture of only MSW and C&I or 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 measurement criteria for skip bin trucks

	Waste type	Weight multiplier
1	MSW or C&I or any mixture of only MSW and C&I—	
	(a) if the actual volume of waste in the skip bin is equal to or less than half the capacity of the skip bin	0.08t
	(b) if the actual volume of waste in the skip bin is more than half the capacity of the skip bin	0.15t
2	C&D or any mixture of waste that includes C&D—	
	(a) if the actual volume of waste in the skip bin is equal to or less than half the capacity of the skip bin	0.13t

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	Waste type	Weight multiplier
	(b) if the actual volume of waste in the skip bin is more than half the capacity of the skip bin	0.25t

9 Replacement of sch 5 (Local governments for waste disposal sites—weighbridge requirement provision)

Schedule 5—

omit, insert—

Schedule 5 Fees

section 45

\$

- | | | |
|---|---|-----------|
| 1 | Application for accreditation of a voluntary product stewardship scheme (Act, s 89(2)(c)) | 395.20 |
| 2 | 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 | 18,064.00 |
| | (ii) otherwise | 7,229.00 |
| | (b) for using a sludge or soil waste as a soil conditioner or fertiliser— | |
| | (i) if the waste is biosolids | 2,714.00 |
| | (ii) otherwise | 7,229.00 |
| | (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 | 3,618.00 |

		\$
	(ii) otherwise	5,423.00
	(d) for using any kind of waste as a resource for augmenting a water supply	63,204.00
	(e) otherwise	2,714.00
3	Application to amend an end of waste approval (Act, s 173S(c))	50% of the application fee mentioned in item 2
4	Application to transfer an end of waste approval (Act, s 173S(c))	130.70
5	Exempt waste application (Act, s 28(4)(c))—	
	(a) for an application relating to waste that has been donated to a charitable recycling entity but that can not practicably be re-used, recycled or sold	nil
	(b) for an application relating to 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 an application relating to earth contaminated with a hazardous contaminant from land listed on the environmental management register or contaminated land register	196.14
	(d) for an application relating to waste to be used at a levyable waste disposal site for a purpose necessary for the operation of the site that is made at the same time as an application to amend an environmental authority under the Environmental Protection Act, section 224	nil
	(e) for an application relating to biosecurity waste	nil
	(f) for any other application relating to waste to be used at a levyable waste disposal site for a purpose necessary for the operation of the site	339.24

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		\$
6	Request to amend an approval of waste as exempt waste (Act, s 33(2))—	
	(a) for amendment of an approval relating to waste that has been donated to a charitable recycling entity but that can not practicably be re-used, recycled or sold	nil
	(b) for amendment of an approval relating to 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 amendment of an approval relating to earth contaminated with a hazardous contaminant from land listed on the environmental management register or contaminated land register	51.39
	(d) for amendment of an approval relating to waste to be used at a levyable waste disposal site for a purpose necessary for the operation of the site	51.39
	(e) for amendment of an approval relating to biosecurity waste	nil
7	Residue waste discounting application (Act, s 44(2)(c))—	
	(a) for the first application	244.35
	(b) for each subsequent application	122.11
8	Request to amend an approval of a discounted rate for the waste levy for residue waste (Act, s 49(2))	51.39
10	Omission of sch 7 (Fees)	
	Schedule 7—	
	<i>omit.</i>	
11	Amendment of sch 9 (Dictionary)	
	(1) Schedule 9, definitions <i>ERA</i> and <i>relevant schedule 5 site</i> —	

omit.

(2) Schedule 9—

insert—

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

C&D, for schedule 4, means construction and demolition waste.

C&I, for schedule 4, means commercial and industrial waste.

category 1 regulated waste has the meaning given by the *Environmental Protection Regulation 2008*.

category 2 regulated waste has the meaning given by the *Environmental Protection Regulation 2008*.

commercial and industrial waste means waste generated from any of the following activities, unless the waste is construction and demolition waste—

- (a) a manufacturing or industrial activity;
- (b) a mining activity;
- (c) a recycling activity, including, for example, sorting, resource recovery and reprocessing;
- (d) wholesale or retail trading;
- (e) an activity carried out at domestic premises under a commercial arrangement;

Example—

waste generated from a printing business carried out at domestic premises

- (f) providing accommodation services;
- (g) providing hospitality services, including, for example, catering;

- (h) a primary industry activity, including, for example, an agricultural, forestry or fishing activity;
- (i) an activity within the meaning of veterinary science under the *Veterinary Surgeons Act 1936*, section 2A;
- (j) providing health services, including, for example, operating a nursing home;
- (k) providing educational services;
- (l) an activity carried out by a charity or church;
- (m) a concert or other entertainment event;
- (n) another business activity, including, for example, an administrative service.

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

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.

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

delivery vehicle means a type of vehicle that delivers or moves waste as mentioned in section 59(a), (b), (c) or (d) of the Act.

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

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

e-waste, for schedule 3, means electrical and electronic equipment that is waste, including, for example, components and power supplies.

light commercial vehicle, for schedule 4, 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.

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, for schedule 4, means municipal solid waste.

municipal solid waste—

1 *Municipal solid waste* is—

- (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) the following 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.

rigid truck, for schedule 4, means any truck, other than an articulated truck, compactor truck or skip bin truck.

skip bin means an open bin designed to be temporarily left at a site for the collection of waste and that can be transported by a truck that is specifically constructed, fitted or equipped to transport the bin.

skip bin truck means a truck, other than a compactor truck, that is constructed, fitted or equipped to carry a skip bin.

trailer, for schedule 4, means a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle being towed.

truck means a motor vehicle with a GVM of more

than 4.5t.

van or ute, for schedule 4, means a motor vehicle (other than a car or motorbike)—

- (a) with a GVM that is less than or equal to 4t; and
- (b) that is constructed, fitted or equipped for the carriage of goods.

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Endnotes

ENDNOTES

- 1 Made by the Governor in Council on [Made by Governor Date].
- 2 Notified on the Queensland legislation website on [Notification Date].
- 3 The administering agency is the Department of Environment and Science.