



Queensland

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





Queensland

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

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**2018**

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**A Bill**

for

***An Act to amend the *City of Brisbane Act 2010*, the *Local Government Act 2009* and the *Waste Reduction and Recycling Act 2011* for particular purposes***

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Waste Reduction and Recycling (Waste Levy) and Other Legislation Amendment Act 2018*. 4  
5

**Clause 2 Commencement** 6

(1) The following provisions commence on 4 February 2019— 7

• section 3 8

• section 19, to the extent it inserts new chapter 16, part 3 heading and sections 323 and 324. 9  
10

(2) Part 2, other than the provisions commenced under subsection 11

(1), commences on 4 March 2019. 12

**Part 2 Amendment of Waste** 13

**Reduction and Recycling Act** 14

**2011** 15

**Clause 3 Act amended** 16

This part amends the *Waste Reduction and Recycling Act 2011*. 17  
18

**Clause 4 Amendment of s 5 (Approach to achieving Act's objects)** 19

(1) Section 5— 20

*insert—* 21

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	(ba) price signalling, including through the introduction of a levy on waste delivered to a levyable waste disposal site;	1 2 3
(2)	Section 5(l), ‘paragraphs (a) to (k)’— <i>omit, insert</i> — paragraphs (a) to (l)	4 5 6
(3)	Section 5(ba) to (l)— <i>renumber</i> as paragraphs (c) to (m).	7 8
<b>Clause 5</b>	<b>Amendment of s 8A (Meaning of <i>waste disposal site</i>)</b>	9
	Section 8A(b), ‘commonly’— <i>omit, insert</i> — sometimes	10 11 12
<b>Clause 6</b>	<b>Replacement of ch 3 (Obligations of operator of waste disposal site)</b>	13 14
	Chapter 3— <i>omit, insert</i> —	15 16
	<b>Chapter 3 Waste levy</b>	17
	<b>Part 1 Preliminary</b>	18
	<b>25 Main purpose</b>	19
	The main purpose of this chapter is to impose a levy on waste delivered to a levyable waste disposal site, and to allow for an exemption from the levy, or a discounted levy rate, for particular waste.	20 21 22 23 24

[s 6]

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<b>26 Definitions for chapter</b>	1
In this chapter—	2
<i>active landfill cell</i> means that part of a landfill where waste is currently being disposed of.	3 4
<i>bad debt credit</i> see section 72K(1).	5
<i>bad debt credit application</i> means an application made under section 72L.	6 7
<i>disaster</i> see the <i>Disaster Management Act 2003</i> , section 13.	8 9
<i>disaster management waste</i> means waste generated by or because of a disaster that is or has been the subject of a declaration of a disaster situation under the <i>Disaster Management Act 2003</i> , but only within the limits, if any, declared by the chief executive, by publication on the department’s website, for a particular disaster.	10 11 12 13 14 15 16
<i>disaster situation</i> see the <i>Disaster Management Act 2003</i> , schedule.	17 18
<i>discounted rate</i> , for the waste levy for residue waste, see section 44(4).	19 20
<i>dredge spoil</i> means natural material that has been removed from a waterway—	21 22
(a) for the purpose of creating, maintaining or enlarging a channel, basin, port, berth or other similar thing; or	23 24 25
(b) to undertake flood mitigation activities in naturally occurring surface waters.	26 27
<i>due date for payment</i> , of a waste levy amount, means—	28 29
(a) if an extension of time has been granted under section 72G, 72H or 72I for payment of the waste levy amount—the end of the extension; or	30 31 32 33

- 
- (b) if there is a waste levy instalment agreement in place between the chief executive and the operator of a levyable waste disposal site who owes the amount—the day provided for in the agreement; or
- (c) otherwise—the end of the 28th day of the second month after the end of the levy period for the levyable waste disposal site of the operator who owes the amount.
- exempt waste*** means—
- (a) disaster management waste; or
- (b) waste approved by the chief executive to be exempt waste for a particular exempt waste application; or
- (c) 1 of the following types of waste if lawfully managed and transported—
- (i) waste that is any of the following and is not mixed with other types of waste—
- (A) non-friable asbestos-containing material;
- (B) waste that has asbestos-containing material bonded to it;
- (C) any disposal items used during asbestos removal work including plastic sheeting and disposal tools;
- (ii) waste containing friable asbestos-containing material that has been removed by the holder of an asbestos removal licence issued under the *Work Health and Safety Act 2011* or under another licence or authority that authorises the removal of friable asbestos under a law of another State; or

[s 6]

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- (d) dredge spoil; or 1
- (e) clean earth; or 2
- (f) waste collected by or for the State or a local government to remediate the results of a person having done something that may be an offence under section 103 or 104; or 3  
4  
5  
6
- (g) other waste— 7
- (i) prescribed by regulation to be exempt waste; or 8  
9
- (ii) for which there is in force under this chapter a declaration by the chief executive that the waste is exempt waste. 10  
11  
12  
13
- exempt waste application*** see section 28(1). 14
- feedstock***, for a recycling activity, means the waste or other material that is to be used for the recycling activity. 15  
16  
17
- friable asbestos-containing material*** means material containing asbestos that is in powder form or that can be crumbled, pulverized or reduced to powder by hand when dry. 18  
19  
20  
21
- lawfully managed and transported***, for asbestos or waste containing asbestos, means managed and transported in compliance with the requirements applying, under the *Public Health Act 2005* and any other Act, to its management and transport. 22  
23  
24  
25  
26
- levyable waste*** means waste, other than exempt waste, that is delivered to a levyable waste disposal site. 27  
28  
29
- levyable waste disposal site***— 30
- (a) means a waste disposal site, whether under the ownership or control of the State, a local government or otherwise; but 31  
32  
33



- 
- (b) does not include a part of the waste disposal site that is a resource recovery area. 1  
2
- levy period**, for a levyable waste disposal site, means— 3  
4
- (a) for a section 325 small site, until 30 June 2021—any of the following periods— 5  
6
- (i) the period starting on the commencement and ending on 30 June 2019; 7  
8  
9
- (ii) the period starting on 1 July 2019 and ending on 30 June 2020; 10  
11
- (iii) the period starting on 1 July 2020 and ending on 30 June 2021; or 12  
13
- (b) otherwise—a month. 14
- monitoring system** see section 62. 15
- non-friable asbestos-containing material** means any manufactured material or thing that— 16  
17
- (a) contains asbestos as part of its design; but 18
- (b) does not contain friable asbestos-containing material. 19  
20
- non-levy zone** means the part of the State outside the waste levy zone. 21  
22
- progressive capping** means capping of active landfill cells at a waste disposal site on a cell-by-cell basis. 23  
24  
25
- residue waste** means the waste from a recycling activity that is commonly disposed of to landfill after the recoverable components have been removed from material. 26  
27  
28  
29
- Example of residue waste—* 30
- In metal recycling, the residue waste is the mainly non-metal component that results from recycling products such as motor vehicles, whitegoods, televisions 31  
32  
33

[s 6]

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	and computers that have reached the end of their useful life.	1 2
	<i>residue waste discounting application</i> see section 44(1).	3 4
	<i>resource recovery area</i> see section 72R.	5
	<i>section 325 small site</i> means a small site the operator of which, under section 325, is not required to comply with the requirements of section 61(2) to measure and record waste in compliance with the weight measurement criteria.	6 7 8 9 10
	<i>small site</i> means a levyable waste disposal site the operator of which is required to hold an environmental authority for the disposal of 2,000 tonnes or less of waste in a year at the site.	11 12 13 14
	<i>waste data return</i> see section 72(1).	15
	<i>waste levy</i> see section 36.	16
	<i>waste levy amount</i> means an amount of waste levy.	17 18
	<i>waste levy instalment agreement</i> see section 72B(1).	19 20
	<i>waste levy zone</i> means the part of the State made up of the local government areas prescribed by regulation as provided for in this chapter.	21 22 23
	<i>weight measurement criteria</i> means the weight measurement criteria prescribed by regulation.	24 25
<b>Part 2</b>	<b>Identifying exempt waste</b>	26 27
<b>Division 1</b>	<b>Declaring limits for disaster management waste</b>	28 29 30

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<b>27 Chief executive may declare limits for disaster management waste</b>	1 2
(1) The chief executive may, by publication on the department's website, declare limits applying to the status of waste as disaster management waste in relation to a particular disaster.	3 4 5 6
<i>Examples of declared limits—</i>	7
• a declaration that waste is disaster management waste only for a stated period	8 9
• a declaration that waste is disaster management waste only if it is disposed of at a stated site	10 11
• a declaration that, after a stated day, waste is disaster management waste only if delivered by stated entities	12 13 14
(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.	15 16 17 18 19 20
(3) A declaration made under subsection (1) is not invalid because of a failure to comply with subsection (2).	21 22 23

<b>Division 2</b>	<b>Approval of waste as exempt waste</b>	24 25
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<b>28 Application for approval of waste as exempt waste</b>	26 27
(1) A person may apply to the chief executive for approval of waste, identified in the application (an <i>exempt waste application</i> ), as exempt waste.	28 29 30
(2) However, the application may be about only 1 of the following types of waste—	31 32

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- (a) waste that has been donated to a charitable recycling entity but that can not practicably be re-used, recycled or sold; 1  
2  
3
- (b) 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; 4  
5  
6  
7  
8
- (c) earth contaminated with a hazardous contaminant from land listed on the environmental management register or contaminated land register; 9  
10  
11  
12
- (d) waste to be used at a levyable waste disposal site for a purpose necessary for the operation of the site, including, for example, building infrastructure, temporary or daily covering, progressive capping, batter construction, final capping, profiling and site rehabilitation; 13  
14  
15  
16  
17  
18  
19
- (e) biosecurity waste. 20
- (3) Also, if the application is about biosecurity waste, the application may be made only by the chief executive of the department in which the *Biosecurity Act 2014* is administered. 21  
22  
23  
24
- (4) The application must— 25
- (a) be in the approved form; and 26
- (b) be supported by enough information to allow the chief executive to decide the application; and 27  
28  
29
- (c) be accompanied by the fee prescribed by regulation. 30  
31
- (5) In this section— 32
- biosecurity waste*** means waste made up of matter that is subject to the operation of the *Biosecurity Act 2014*. 33  
34  
35

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<i>charitable recycling entity</i> means an entity that—	1
(a) operates on a not-for-profit basis; and	2
(b) is registered as a charity under the <i>Collections Act 1966</i> ; and	3 4
(c) is a Deductible Gift Recipient for the purposes of laws administered by the Australian Taxation Office of the Commonwealth; and	5 6 7 8
(d) actively and consistently operates a recycling or re-use program for—	9 10
(i) providing emergency assistance; or	11
(ii) otherwise supporting the charitable purposes of the entity.	12 13
<i>contaminated land register</i> see the Environmental Protection Act, schedule 4.	14 15
<i>environmental management register</i> see the Environmental Protection Act, schedule 4.	16 17

<b>29 Chief executive may require additional information or documents</b>	18 19
(1) Within 28 days after receiving an exempt waste application, the chief executive may, by notice given to the applicant, require the applicant to give the chief executive further reasonable information or documents about the application by a reasonable day stated in the notice.	20 21 22 23 24 25
(2) The applicant may, before the stated day, agree with the chief executive about extending the time for providing the further information or documents.	26 27 28 29
(3) The application is taken to be withdrawn if the applicant does not give the chief executive the further information or documents by the stated day or the end of any extension agreed between	30 31 32 33

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- the chief executive and the applicant. 1
- 30 Deciding application** 2
- (1) The chief executive must decide either to grant or 3  
to refuse an exempt waste application within 28 4  
days after the later of the following days— 5
- (a) the day the chief executive receives the 6  
application; 7
- (b) if additional information or documents are 8  
requested under section 29—the day the 9  
chief executive receives the information or 10  
documents. 11
- (2) In deciding the application, the chief executive 12  
must consider— 13
- (a) the objects of this Act; and 14
- (b) the information outlined in the application. 15
- (3) However, the chief executive must refuse the 16  
application in the circumstances prescribed by 17  
regulation. 18
- (4) A failure to make a decision within the period 19  
required is taken to be a decision by the chief 20  
executive to refuse the application. 21
- 31 Grant of application** 22
- (1) If the chief executive grants an exempt waste 23  
application, the chief executive must, within 5 24  
business days after granting the application, give 25  
the applicant notice of the approval stating the 26  
following— 27
- (a) the application has been granted; 28
- (b) the waste that has been approved as exempt 29  
waste; 30
- (c) the period of the approval; 31

- 
- (d) any conditions imposed on the approval. 1
- (2) The period of the approval must not be more than 2  
3 years. 3
- (3) If the chief executive imposes a condition on the 4  
approval that is not the same, or substantially the 5  
same, as a condition agreed to or asked for by the 6  
applicant, the notice must also include or be 7  
accompanied by an information notice for the 8  
decision to impose the condition. 9
- 32 Refusal of application 10**
- If the chief executive refuses an exempt waste 11  
application, the chief executive must, within 5 12  
business days after refusing the application, give 13  
the applicant an information notice for the 14  
decision. 15
- 33 Amendment of approval by agreement 16**
- (1) The chief executive may amend an approval of 17  
waste as exempt waste by agreement between the 18  
chief executive and the holder of the approval. 19
- (2) If the holder of the approval asks for the 20  
amendment, the request must be accompanied by 21  
the fee prescribed by regulation. 22
- 34 Cancellation or amendment of approval by 23  
chief executive 24**
- (1) The chief executive may cancel or amend an 25  
approval of waste as exempt waste if the chief 26  
executive considers there are reasonable grounds 27  
to cancel or amend it. 28
- (2) Without limiting subsection (1), the grounds for 29  
cancelling or amending the approval may 30  
include— 31

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- (a) that the chief executive is satisfied there is a reasonable suspicion that the granting of the approval was based on incorrect information; and
  - (b) that the chief executive is satisfied there is a reasonable suspicion that the approval was granted because of a false or misleading representation or declaration; and
  - (c) that the circumstances relevant to the granting of the approval have changed; and
  - (d) that the approval has not been complied with; and
  - (e) that it is desirable to cancel or amend the approval having regard to the objects of this Act.
- (3) Before cancelling or amending the approval (the ***proposed action***), the chief executive must give the holder of the approval a notice stating the following—
- (a) the proposed action;
  - (b) the grounds for taking the proposed action;
  - (c) the facts and circumstances that form the basis for the grounds;
  - (d) when the proposed action is intended to take effect;
  - (e) that the holder may make, within a stated period, written submissions to show why the proposed action should not be taken.
- (4) The stated period for submissions must not end earlier than 21 days after the holder of the approval is given the notice.
- (5) The chief executive must consider all submissions made under subsection (3)(e) within the stated period.



- 
- (6) If the chief executive decides to take the proposed action, the chief executive must, within 10 business days after making the decision, give the holder of the approval an information notice for the decision.
- (7) The decision takes effect when the holder is given the information notice.

**Division 3            Declaring waste to be exempt waste**

**35 Chief executive may declare waste to be exempt waste in exceptional circumstances**

- (1) This section applies if the chief executive is satisfied that exceptional circumstances apply for—
- (a) particular waste or a type of waste; or
  - (b) the disposal of particular waste or a type of waste.
- (2) The chief executive may, by publication on the department’s website, declare the waste to be exempt waste.
- (3) The chief executive may declare waste to be exempt waste subject to any limits or conditions included in the declaration of the waste as exempt waste.
- (4) A declaration of waste as exempt waste has effect subject to any limits or conditions included in the declaration.

**Part 3                    Operation of waste levy**

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<b>36 Imposition of waste levy</b>	1
The operator of a levyable waste disposal site is liable to pay the State a levy (the <i>waste levy</i> ) on all levyable waste that is delivered to the site if—	2 3 4
(a) the levyable waste disposal site is in the waste levy zone; or	5 6
(b) the levyable waste disposal site is in the non-levy zone and the waste was generated outside the non-levy zone.	7 8 9
<b>37 Calculating waste levy amount</b>	10
(1) The rate of the waste levy for each type of waste is the rate prescribed by regulation for that type.	11 12
(2) The amount of waste levy imposed on waste is calculated in compliance with the requirements prescribed by regulation.	13 14 15
<b>38 Offence to remove waste from levyable waste disposal site in particular circumstances</b>	16 17
The operator of a levyable waste disposal site must not, for sale or other commercial gain, remove from the site waste for which the waste levy was, or is to be, paid to the State.	18 19 20 21
Maximum penalty—50 penalty units.	22
<b>39 When residue waste taken to be generated outside the non-levy zone</b>	23 24
If waste, used as feedstock for a recycling activity, was generated outside the non-levy zone, all of the residue waste generated by the recycling activity is taken, for this chapter, to be generated outside the non-levy zone.	25 26 27 28 29

- 
- 40 Mixing waste generated outside non-levy zone with waste generated in the non-levy zone** 1  
2
- (1) This section applies if waste generated outside the non-levy zone is mixed with waste generated in the non-levy zone before being delivered to a levyable waste disposal site in the non-levy zone. 3  
4  
5  
6
- (2) The chief executive and the person who mixed the waste may agree in writing to a method of working out the waste that is taken to have been generated outside the non-levy zone and the total amount of that waste. 7  
8  
9  
10  
11
- Example—* 12
- Fifty tonnes of waste generated outside the non-levy zone and 3,000 tonnes of waste generated in the non-levy zone are delivered to a resource recovery area in the non-levy zone in a month where they are mixed in a stockpile. Typically, 60% of waste delivered to the resource recovery area is delivered to the levyable waste disposal site. The chief executive and the operator of the relevant site agree that the first 30 tonnes of waste delivered from the resource recovery area to the levyable waste disposal site in the following month is taken to be waste generated outside the non-levy zone. 13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23
- (3) For this chapter— 24
- (a) if there is an agreement under subsection (2)—the mixed waste is taken to be generated as decided under the agreement; 25  
26  
27  
or 28
- (b) otherwise—all the mixed waste is taken to have been generated outside the non-levy zone from the time the waste was mixed. 29  
30  
31
- 41 Mixing types of waste that attract different rates of waste levy** 32  
33
- (1) This section applies if— 34

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(a)	different types of waste are mixed before being delivered to a levyable waste disposal site; and	1 2 3
(b)	the different types of waste attract different rates of waste levy.	4 5
(2)	All of the waste delivered is taken to attract the highest rate of waste levy that applies to any of the types of waste.	6 7 8
<b>42</b>	<b>Mixing types of waste that attract same rate of waste levy</b>	9 10
(1)	This section applies if—	11
(a)	different types of waste are mixed before being delivered to a levyable waste disposal site; and	12 13 14
(b)	the different types of waste attract the same rate of waste levy.	15 16
(2)	The operator of the site must, for sections 60 and 61, make a reasonable estimate of the amount of each type of waste included in the mixed waste using the information given to the operator under section 53.	17 18 19 20 21
<b>43</b>	<b>Regulation identifying waste levy zone</b>	22
(1)	A regulation may identify local government areas that make up the waste levy zone.	23 24
(2)	To remove any doubt, it is declared that it is not necessary for the waste levy zone to be made up of only local government areas that are contiguous with other local government areas.	25 26 27 28
<b>Part 4</b>	<b>Discounting waste levy for residue waste</b>	29 30

- 
- 44 Application for discounted rate for waste levy for residue waste** 1  
2
- (1) A person who conducts a recycling activity 3  
prescribed by regulation may apply to the chief 4  
executive for approval of a discounted rate for the 5  
waste levy for residue waste identified in the 6  
application (a *residue waste discounting* 7  
*application*). 8
- (2) The application must— 9
- (a) be in the approved form; and 10
- (b) be supported by enough information to 11  
allow the chief executive to decide the 12  
application; and 13
- (c) be accompanied by the fee prescribed by 14  
regulation. 15
- (3) The Minister may recommend to the Governor in 16  
Council the making of a regulation under 17  
subsection (1) about a particular recycling activity 18  
only if the Minister is satisfied that— 19
- (a) giving a discount on the waste levy for 20  
residue waste from the activity will have a 21  
significant impact on the activity becoming 22  
established and sustained in Queensland; 23  
and 24
- (b) the activity optimises the market and 25  
material value that can be derived from the 26  
waste used as feedstock for the activity. 27
- (4) The *discounted rate* for the waste levy for residue 28  
waste is the rate prescribed by regulation. 29
- 45 Chief executive may require additional information or documents** 30  
31
- (1) Within 28 days after receiving a residue waste 32  
discounting application, the chief executive may, 33  
by notice given to the applicant, require the 34

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- applicant to give the chief executive further 1  
reasonable information or documents about the 2  
application by a reasonable day stated in the 3  
notice. 4
- (2) The applicant may, before the stated day, agree 5  
with the chief executive about extending the time 6  
for providing the further information or 7  
documents. 8
- (3) The application is taken to be withdrawn if the 9  
applicant does not give the chief executive the 10  
further information or documents by the stated 11  
day or the end of any extension agreed between 12  
the chief executive and the applicant. 13

#### **46 Deciding application** 14

- (1) The chief executive must decide either to grant or 15  
to refuse a residue waste discounting application 16  
within 28 days after the later of the following 17  
days— 18
- (a) the day the chief executive receives the 19  
application; 20
- (b) if additional information or documents are 21  
requested under section 45—the day the 22  
chief executive receives the information or 23  
documents. 24
- (2) In deciding the application, the chief executive 25  
must consider all of the following— 26
- (a) the objects of this Act; 27
- (b) the information included in the application; 28
- (c) any criteria prescribed by regulation; 29
- (d) the applicant's history of compliance with 30  
this Act and the Environmental Protection 31  
Act, including whether the applicant holds 32  
any licences, environmental authorities or 33

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other approvals for conducting the recycling activity.	1 2
(3) However, the chief executive must refuse the application in the circumstances prescribed by regulation.	3 4 5
(4) A failure to make a decision within the period required is taken to be a decision by the chief executive to refuse the application.	6 7 8
<b>47 Grant of application</b>	9
(1) If the chief executive grants a residue waste discounting application—	10 11
(a) in addition to any other conditions, the chief executive must impose a condition on the approval either—	12 13 14
(i) requiring the applicant to maintain as a minimum a stated recycling efficiency;	15 16
or	17
(ii) limiting the amount of residue waste that will attract the discount rate in a period, including, for example, as a stated proportion of the amount of waste used as feedstock for the recycling activity in the period; and	18 19 20 21 22 23
(b) within 5 business days, the chief executive must give the applicant a notice stating the following—	24 25 26
(i) the application has been granted;	27
(ii) the discounted rate for the waste levy for the residue waste identified in the application;	28 29 30
(iii) the period of the approval;	31
(iv) any conditions imposed on the approval or prescribed by regulation.	32 33

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- (2) The period of the approval must not— 1
- (a) be more than 3 years; or 2
- (b) end after the residue waste discounting 3  
review date. 4
- (3) The notice must also include or be accompanied 5  
by an information notice for the decision to 6  
impose a condition on the approval unless the 7  
condition is the same, or substantially the same, as 8  
a condition agreed to or asked for by the 9  
applicant. 10
- (4) In addition to any conditions imposed by the chief 11  
executive, the approval is also subject to the 12  
conditions prescribed by regulation. 13
- (5) In this section— 14
- recycling efficiency* means a percentage of the 15  
feedstock for a recycling activity that is not 16  
disposed of as landfill as a result of the activity. 17
- residue waste discounting review date* means the 18  
day, as prescribed by regulation, for the review by 19  
the chief executive of the following— 20
- (a) the discounted rate for the waste levy for the 21  
residue waste; 22
- (b) the recycling efficiency threshold for 23  
recycling activities; 24
- (c) any other matters mentioned in this part as 25  
being prescribed by regulation. 26

#### **48 Refusal of application** 27

If the chief executive refuses a residue waste 28  
discounting application, the chief executive must, 29  
within 5 business days after refusing the 30  
application, give the applicant an information 31  
notice for the decision. 32



- 
- 49 Amendment of approval by agreement** 1
- (1) The chief executive may amend an approval of a 2  
discounted rate for the waste levy for residue 3  
waste by agreement between the chief executive 4  
and the holder of the approval. 5
- (2) If the holder of the approval asks for the 6  
amendment, the request must be accompanied by 7  
the fee prescribed by regulation. 8
- 50 Cancellation or amendment of approval by 9  
chief executive** 10
- (1) The chief executive may cancel or amend an 11  
approval of a discounted rate for the waste levy 12  
for residue waste if the chief executive considers 13  
there are reasonable grounds to cancel or amend 14  
it. 15
- (2) Without limiting subsection (1), the grounds for 16  
cancelling or amending the approval may 17  
include— 18
- (a) that the chief executive is satisfied there is a 19  
reasonable suspicion that the holder of the 20  
approval has not implemented strategies or 21  
practices to progressively improve the 22  
efficiency of the holder’s recycling activities 23  
during the period of the approval; and 24
- (b) that the chief executive is satisfied there is a 25  
reasonable suspicion that the approval was 26  
granted because of a false or misleading 27  
representation or declaration; and 28
- (c) that the circumstances relevant to the 29  
granting of the approval have changed; and 30
- (d) that the conditions of the approval have not 31  
been complied with; and 32

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- (e) that it is desirable to cancel or amend the approval having regard to the objects of this Act. 1  
2  
3
- (3) Before cancelling or amending the approval (the *proposed action*) the chief executive must give the holder of the approval a notice stating the following— 4  
5  
6  
7
  - (a) the proposed action; 8
  - (b) the grounds for taking the proposed action; 9
  - (c) the facts and circumstances that form the basis for the grounds; 10  
11
  - (d) when the proposed action is intended to take effect; 12  
13
  - (e) that the holder of the approval may make, within a stated period, written submissions to show why the proposed action should not be taken. 14  
15  
16  
17
- (4) The stated period for submissions must not end earlier than 21 days after the holder of the approval is given the notice. 18  
19  
20
- (5) The chief executive must consider all submissions made under subsection (3)(e) within the stated period. 21  
22  
23
- (6) If the chief executive decides to take the proposed action, the chief executive must, within 10 business days after making the decision, give the holder of the approval an information notice for the decision. 24  
25  
26  
27  
28
- (7) The decision takes effect when the holder is given the information notice. 29  
30

## **51 Automatic cancellation of approval** 31

An approval of a discounted rate for the waste levy for residue waste is automatically cancelled 32  
33

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if the business of conducting the recycling activity 1  
relevant to the approval ceases to be owned by the 2  
entity granted the approval, including, for 3  
example, because the ownership of the business is 4  
transferred to another entity. 5

## **Part 5**                      **Obligations relating to** 6 **waste levy** 7

### **Division 1**                **Obligations of person** 8 **delivering waste** 9

#### **52 Persons delivering waste** 10

A person is taken to deliver waste for this division 11  
if— 12

- (a) the person physically delivers the waste; or 13
- (b) the person engages or directs another person 14  
to physically deliver the waste on behalf of 15  
the person. 16

*Example—* 17

If an employee delivers waste to a levyable waste 18  
disposal site on behalf of the employee's 19  
employer, the obligations under this division 20  
apply to both the employee and the employer. 21

#### **53 Person delivering waste to levyable waste** 22 **disposal site to give information** 23

- (1) This section applies if a person delivers waste to a 24  
levyable waste disposal site. 25
- (2) The person must give the operator of the levyable 26  
waste disposal site the information (the *delivery* 27  
*information*) that the operator reasonably 28  
requires to identify— 29

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- (a) how much of the waste is exempt waste and how much of it is levyable waste; and 1  
2
- (b) for each type of waste required to be measured by the operator under section 59—how much waste there is; and 3  
4  
5
- (c) whether the waste was generated in the waste levy zone, the non-levy zone or outside Queensland. 6  
7  
8
- Maximum penalty—300 penalty units. 9
- (3) Also, the delivery information must be given to the operator at least 24 hours before the waste is delivered if— 10  
11  
12
- (a) the levyable waste disposal site is in the non-levy zone; and 13  
14
- (b) the waste was generated outside the non-levy zone; and 15  
16
- (c) the waste is delivered in a vehicle with a GCM or GVM of more than 4.5 tonnes. 17  
18
- (4) However, subsections (2) and (3) do not apply to the person if the person knows the operator already has the delivery information when the information would otherwise be required under subsection (2) or (3). 19  
20  
21  
22  
23
- Example—* 24
- The person delivering the waste is acting on behalf of another person and knows that the other person has already given the delivery information. 25  
26  
27
- (5) If the operator of the levyable waste disposal site asks the person to give the operator the delivery information in the approved form, the person must comply with the request unless the person has a reasonable excuse. 28  
29  
30  
31  
32
- Maximum penalty—300 penalty units. 33
- (6) If a person (the *principal*) engages or directs 34

- 
- another person to deliver waste on behalf of the principal, it is a defence for subsection (2) or (5) for the principal to prove—
- (a) the principal gave the other person appropriate instructions; and
  - (b) the principal used all reasonable precautions to ensure the other person complied with this section; and
  - (c) the principal could not by the exercise of reasonable diligence have stopped the commission of the offence.
- (7) Nothing in this section prevents the person from giving delivery information for more than 1 consignment of waste to be delivered to the levyable waste disposal site.

**54 Person delivering particular waste to give information**

- (1) This section applies if—
  - (a) a person delivers waste to—
    - (i) a resource recovery and transfer facility in the non-levy zone; or
    - (ii) an entity conducting a recycling activity in the non-levy zone; and
  - (b) the waste was generated outside the non-levy zone; and
  - (c) the person delivers the waste in a vehicle with a GCM or GVM of more than 4.5 tonnes.
- (2) The person must, at least 24 hours before delivering the waste, give the operator of the resource recovery and transfer facility or entity the information (the *delivery information*) that the operator or entity reasonably requires to

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- identify— 1
- (a) how much of the waste is exempt waste and 2  
how much of it is levyable waste; and 3
- (b) whether the waste was generated in the 4  
waste levy zone or outside Queensland. 5
- Maximum penalty—300 penalty units. 6
- (3) However, subsection (2) does not apply to the 7  
person if the person knows the operator or entity 8  
already has the delivery information when it is 9  
required under that subsection. 10
- Example—* 11
- The person delivering the waste to a resource recovery 12  
and transfer facility is the operator of the facility. 13
- (4) If the operator or entity asks the person to give the 14  
delivery information to the operator or entity in 15  
the approved form, the person must comply with 16  
the request unless the person has a reasonable 17  
excuse. 18
- Maximum penalty—300 penalty units. 19
- (5) If a person (the *principal*) engages or directs 20  
another person to deliver waste on behalf of the 21  
principal, it is a defence for subsections (2) and 22  
(4) for the principal to prove— 23
- (a) the principal gave the other person 24  
appropriate instructions; and 25
- (b) the principal used all reasonable precautions 26  
to ensure the other person complied with 27  
this section; and 28
- (c) the principal could not by the exercise of 29  
reasonable diligence have stopped the 30  
commission of the offence. 31
- (6) Nothing in this section prevents the person from 32  
giving delivery information for more than 1 33  
consignment of waste to be delivered to the 34

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resource recovery and transfer facility or to the entity.	1 2
(7) In this section—	3
<i>resource recovery and transfer facility</i> means a facility used for—	4 5
(a) receiving, sorting, dismantling or baling waste; or	6 7
(b) storing waste before moving it, from the site where the relevant activity is carried out, for recycling, processing, treatment or disposal.	8 9 10
<b>55 Giving false or misleading information when delivering waste</b>	11 12
(1) This section applies to a person delivering waste to—	13 14
(a) a levyable waste disposal site; or	15
(b) a resource recovery and transfer facility in the non-levy zone; or	16 17
(c) an entity conducting a recycling activity in the non-levy zone.	18 19
(2) The person must not give the operator or entity information about the waste that the person knows is false or misleading in a material particular.	20 21 22
Maximum penalty—300 penalty units.	23
(3) However, subsection (2) does not apply to the person if the person, when giving information in a document—	24 25 26
(a) tells the operator or entity, to the best of the person’s ability, how the document is false or misleading; and	27 28 29
(b) if the person has, or can reasonably obtain, the correct information—gives the correct information.	30 31 32

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(4)	To remove any doubt, it is declared that subsection (2) applies to any information whether or not the person is required to give the information under section 53 or 54.	1 2 3 4
(5)	In this section— <i>operator</i> means the operator of the levyable waste disposal site or resource recovery and transfer facility. <i>resource recovery and transfer facility</i> see section 54(7).	5 6 7 8 9 10
<b>Division 2</b>	<b>Obligations of operators of levyable waste disposal sites</b>	11 12 13
<b>Subdivision 1</b>	<b>Remitting waste levy</b>	14
<b>56</b>	<b>Remitting waste levy amount to the State</b>	15
(1)	After receiving a summary data return from the operator of a levyable waste disposal site under section 72, the chief executive must give the operator an invoice stating the total amount of all waste levy amounts payable to the State by the operator for the levy period to which the return relates.	16 17 18 19 20 21 22
(2)	The operator must pay to the chief executive the total amount stated in the invoice by the due date for payment of the amount.	23 24 25
(3)	If a waste levy amount owing by an operator remains unpaid after its due date for payment, interest is payable on the unpaid amount for each day starting on the day after the due date for payment and ending on the day the amount is	26 27 28 29 30



- 
- actually paid. 1
- (4) The interest payable for a day as mentioned in 2  
subsection (3) is payable at the same rate as that 3  
applying to unpaid tax under the *Taxation* 4  
*Administration Act 2001*, section 54 and the 5  
*Taxation Administration Regulation 2012*, 6  
section 8. 7
- (5) Any waste levy amount payable by the operator of 8  
a levyable waste disposal site and remaining 9  
unpaid after its due date for payment, and any 10  
interest payable on the unpaid amount, may be 11  
recovered by the chief executive in a court with 12  
jurisdiction for the recovery of the amount as a 13  
debt payable by the operator to the State. 14
- (6) In this section— 15  
*summary data return* see section 72(5). 16

## **Subdivision 2 Weighbridges** 17

### **57 Weighbridge required** 18

- (1) This section applies to the operator of a levyable 19  
waste disposal site from the beginning of the day 20  
on— 21
- (a) if the operator is required to hold an 22  
environmental authority for the disposal of 23  
more than 10,000 tonnes of waste in a year 24  
at the site—4 March 2019; or 25
- (b) if the operator is required to hold an 26  
environmental authority for the disposal of 27  
more than 5,000 tonnes, but not more than 28  
10,000 tonnes, of waste in a year at the 29  
site—1 July 2021; or 30
- (c) for any other operator—1 July 2024. 31
- (2) If the levyable waste disposal site is in the waste 32

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levy zone, the operator must ensure a weighbridge is installed at the site. 1  
2

Maximum penalty—300 penalty units. 3

- (3) If the levyable waste disposal site is in the non-levy zone and receives at least 600 tonnes of levyable waste generated outside the non-levy zone during a year, the operator must ensure a weighbridge is installed at the site by 30 June in the following year. 4  
5  
6  
7  
8  
9

Maximum penalty—300 penalty units. 10

- (4) For the period from 1 January 2019 to 31 December 2019, only levyable waste received at a levyable waste disposal site between 4 March 2019 and 31 December 2019 is to be counted for subsection (3). 11  
12  
13  
14  
15

## **58 Weighbridge requirements** 16

- (1) This section applies to the operator of a levyable waste disposal site at which a weighbridge is installed. 17  
18  
19

- (2) The operator must ensure that— 20

(a) the installation and operation of the weighbridge complies with the requirements prescribed by regulation for the weighbridge; and 21  
22  
23  
24

(b) the weighbridge is kept in proper working order; and 25  
26

(c) a copy of any record of certification for the weighbridge obtained in complying with the *National Measurement Act 1960* (Cwlth) is kept by the operator for 5 years after the certification. 27  
28  
29  
30  
31

Maximum penalty—200 penalty units. 32

- (3) If the weighbridge is out of operation, the operator 33

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must—	1
(a) bring the weighbridge back into operation in the shortest practicable time; and	2 3
(b) keep a written record detailing the period for which the weighbridge was out of operation and the reason it was out of operation.	4 5 6
Maximum penalty—200 penalty units.	7
(4) Further, if the weighbridge is out of operation for a period of more than 24 hours, the operator must notify the chief executive of the following details within 3 days after the weighbridge first became out of operation, whether or not the weighbridge is still out of operation—	8 9 10 11 12 13
(a) the event that resulted in the weighbridge being out of operation;	14 15
(b) when the weighbridge first became out of operation;	16 17
(c) whether the weighbridge is still out of operation;	18 19
(d) if the weighbridge is still out of operation— what actions are being taken to bring the weighbridge back into operation.	20 21 22
Maximum penalty—200 penalty units.	23
(5) If the weighbridge is still out of operation when the chief executive is notified under subsection (4), the operator must notify the chief executive of its being brought back into operation within 3 days after it starts operating again.	24 25 26 27 28
Maximum penalty—200 penalty units.	29

### **Subdivision 3 Measurement of waste** 30

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<b>59</b>	<b>When waste or other material must be measured</b>	1 2
	Waste, or an amount of other material that is more than 1 tonne, is required to be measured if—	3 4
	(a) it is delivered to a levyable waste disposal site; or	5 6
	(b) after being delivered to a levyable waste disposal site, it is moved to a place outside the site; or	7 8 9
	(c) it is delivered to a resource recovery area for a waste disposal site; or	10 11
	(d) after being delivered to a resource recovery area for a waste disposal site—	12 13
	(i) it is moved from the area to any other part of the site; or	14 15
	(ii) it is moved to a place outside the site in a vehicle with a GCM or GVM of more than 4.5 tonnes.	16 17 18
<b>60</b>	<b>Measurement of waste by weighbridge</b>	19
(1)	This section applies if a weighbridge is installed at a waste disposal site, whether or not it is required under section 57.	20 21 22
(2)	Each time waste or other material is required to be measured under section 59, the operator of the waste disposal site must ensure the weighbridge is used to measure and record the waste or other material.	23 24 25 26 27
	Maximum penalty—300 penalty units.	28
	<i>Note—</i>	29
	See also section 42.	30
(3)	However, if it is not practicable to use the weighbridge to measure and record a particular amount of waste or other material, the operator	31 32 33

- 
- may measure and record the waste in the way the operator and the chief executive agree to in writing. 1  
2  
3
- Examples of something that is impracticable to weigh using a weighbridge—* 4  
5
- a large aircraft 6
  - a large amount of waste that is taken to be delivered to the levyable part of a waste disposal site because of a cancellation or revocation of the declaration of the resource recovery area 7  
8  
9  
10
- (4) The operator of the waste disposal site must ensure a record made under subsection (2) includes the information required by the chief executive. 11  
12  
13  
14
- Maximum penalty—300 penalty units. 15
- (5) The information required by the chief executive under subsection (4) must be published on the department’s website and may include only— 16  
17  
18
- (a) the type of waste or other material; and 19
  - (b) whether the waste was generated in the waste levy zone, the non-levy zone or outside Queensland; and 20  
21  
22
  - (c) details of any exemption or discount applying to the waste; and 23  
24
  - (d) the vehicle used to move the waste or other material. 25  
26
- (6) If the weighbridge is not in operation when an amount of waste or other material is required to be measured under section 59, the operator of the waste disposal site must ensure the waste or other material is measured and recorded in compliance with the weight measurement criteria. 27  
28  
29  
30  
31  
32
- Maximum penalty—300 penalty units. 33

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<b>61 Measurement of waste other than by weighbridge</b>	1 2
(1) This section applies if a weighbridge is not installed at a waste disposal site.	3 4
(2) Each time waste or other material is required to be measured under section 59, the operator of the waste disposal site must ensure the waste or other material is measured and recorded in compliance with the weight measurement criteria.	5 6 7 8 9
Maximum penalty—300 penalty units.	10
<i>Note—</i>	11
See also section 42.	12
(3) The operator of the waste disposal site must ensure a record made under subsection (2) includes the information required by the chief executive.	13 14 15 16
Maximum penalty—300 penalty units.	17
(4) The information required by the chief executive under subsection (3) must be published on the department’s website and may include only—	18 19 20
(a) the type of waste or material; and	21
(b) whether the waste was generated in the waste levy zone, the non-levy zone or outside Queensland; and	22 23 24
(c) details of any exemption or discount applying to the waste; and	25 26
(d) the vehicle used to move the waste or material.	27 28
<b>Subdivision 4 Monitoring system</b>	29

- 
- 62 What is a *monitoring system*** 1
- A *monitoring system* is a closed-circuit television 2  
or another system the chief executive approves as 3  
a monitoring system by publishing details of the 4  
system on the department’s website. 5
- 63 When monitoring system may be required by chief executive** 6  
7
- (1) This section applies if the chief executive 8  
reasonably believes the operator of a waste 9  
disposal site has not complied with the operator’s 10  
obligation under this chapter to pay the waste levy 11  
or give the chief executive a waste data return for 12  
the site. 13
- (2) The chief executive may, by notice given to the 14  
operator, require the operator to install, maintain 15  
and operate a monitoring system at the site to 16  
record vehicle movements at the locations (each a 17  
*monitoring point*) stated in the notice. 18
- (3) The notice must also— 19
- (a) state the day by which the monitoring 20  
system must be installed; and 21
- (b) include or be accompanied by an 22  
information notice for the chief executive’s 23  
decision to give the notice. 24
- (4) The operator must comply with the notice. 25  
Maximum penalty—200 penalty units. 26
- 64 Requirements for monitoring system** 27
- (1) This section applies to the operator of a waste 28  
disposal site given a notice under section 63 29  
requiring the operator to install, maintain and 30  
operate a monitoring system. 31
- (2) The operator must comply with the obligations 32

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stated in subsections (3) and (5).	1
Maximum penalty—200 penalty units.	2
(3) The operator must—	3
(a) display signage at the waste disposal site in a way that is likely to make persons arriving at the site aware that a monitoring system is installed at the site; and	4 5 6 7
(b) ensure the monitoring system—	8
(i) meets the minimum requirements prescribed by regulation for the system; and	9 10 11
(ii) is kept in proper working order; and	12
(iii) records vehicles at each monitoring point in a way that identifies the vehicles; and	13 14 15
<i>Example of a way that identifies a vehicle—</i>	16
an image of the vehicle’s registration	17
(c) comply with any requirements prescribed by regulation about maintaining the monitoring system; and	18 19 20
(d) store each recording in a secure place at the premises in compliance with any requirements prescribed by regulation for the storage; and	21 22 23 24
(e) keep each recording available for inspection by an authorised person at the premises until the recording is erased or destroyed in compliance with paragraph (f); and	25 26 27 28
(f) ensure a recording—	29
(i) is only erased or destroyed by the operator or a person approved by the operator; and	30 31 32



- 
- (ii) is not erased or destroyed earlier than 1  
60 days after it was made; and 2
- (iii) is erased or destroyed no later than 90 3  
days after it was made. 4
- (4) However, if a copy of a recording is given to an 5  
authorised person, the recording— 6
- (a) need only be kept available for inspection by 7  
an authorised person until the authorised 8  
person has confirmed by written notice that 9  
the recording is viewable; and 10
- (b) may be destroyed once the authorised 11  
person has confirmed by written notice that 12  
the recording is viewable. 13
- (5) The operator must not— 14
- (a) allow the monitoring system to be operated 15  
by anyone other than— 16
- (i) the operator of the site; or 17
- (ii) a person approved by the operator; or 18
- (b) allow a recording to be viewed by anyone 19  
other than an authorised person or a person 20  
mentioned in paragraph (a). 21
- (6) In this section— 22
- monitoring point* means a monitoring point under 23  
section 63(2). 24
- recording* means a video recording made by the 25  
monitoring system. 26
- 65 Requirements if monitoring system stops 27  
operating 28**
- (1) This section applies to the operator of a waste 29  
disposal site given a notice under section 63 30  
requiring the operator to install, maintain and 31  
operate a monitoring system. 32

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- (2) If the monitoring system stops recording, the operator must— 1  
2
- (a) bring the system back into operation in the shortest practicable time; and 3  
4
- (b) keep a written record detailing the period within which the system was not recording and the reason it was not recording. 5  
6  
7
- Maximum penalty—100 penalty units. 8
- (3) Further, if any event results in the monitoring system not recording for any period of more than 24 hours, the operator must notify the chief executive of the following details within 3 days after the system stops recording, whether or not the system is still not recording— 9  
10  
11  
12  
13  
14
- (a) the event that resulted in the monitoring system not recording; 15  
16
- (b) when the monitoring system stopped recording; 17  
18
- (c) whether the monitoring system is still not recording; 19  
20
- (d) if the monitoring system is still not recording—what actions are being taken to bring the monitoring system back into operation. 21  
22  
23  
24
- Maximum penalty—100 penalty units. 25
- (4) If the monitoring system is still not recording when the chief executive is notified under subsection (3) but later starts recording again, the operator must notify the chief executive that it is recording again within 3 days after it starts recording. 26  
27  
28  
29  
30  
31
- Maximum penalty—100 penalty units. 32

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<b>66</b>	<b>Operators required to give chief executive plan for monitoring system</b>	1 2
(1)	This section applies to the operator of a waste disposal site given a notice under section 63 requiring the operator to install, maintain and operate a monitoring system.	3 4 5 6
(2)	The operator must give the chief executive a plan for the monitoring system complying with subsection (3) within 21 days after the day the operator is required under the notice to install the monitoring system.	7 8 9 10 11
	Maximum penalty—40 penalty units.	12
(3)	The plan for the monitoring system must contain a diagram of the system indicating the following in relation to the waste disposal site—	13 14 15
(a)	how the components that comprise the system have been positioned;	16 17
(b)	the scope of the coverage of recordings by the system.	18 19
	<b>Subdivision 5 Volumetric surveys</b>	20
<b>67</b>	<b>Volumetric survey for levyable waste disposal site in waste levy zone</b>	21 22
(1)	From 1 June 2020, the operator of a levyable waste disposal site in the waste levy zone must, in each year, in compliance with the requirements for volumetric surveys under section 70—	23 24 25 26
(a)	ensure that a volumetric survey is carried out in June for—	27 28
(i)	each landfill cell where waste has been disposed of since the last volumetric survey required under this subdivision was carried out; and	29 30 31 32

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- (ii) all stockpiled waste at the site; and 1
    - (b) give the chief executive a copy of the results 2  
of the volumetric surveys required under 3  
paragraph (a) before the end of July. 4
  - Maximum penalty—200 penalty units. 5
  - (2) This section continues to apply to the operator— 6
    - (a) regardless of whether waste may no longer 7  
be delivered to the site; and 8
    - (b) even if the site ceases to be a levyable waste 9  
disposal site. 10
  - (3) However, if a matter mentioned in subsection (2) 11  
happens, the carrying out of the survey and the 12  
giving of a copy of the results to the chief 13  
executive may happen earlier than when 14  
otherwise required under subsection (1). 15
  - (4) This section does not apply to a small site until 1  
June 2022. 17
- 68 Volumetric survey for levyable waste disposal 18  
site in non-levy zone in particular 19  
circumstances 20**
- (1) This section applies to the operator of a levyable 21  
waste disposal site if— 22
    - (a) the site is in the non-levy zone; and 23
    - (b) at least 600 tonnes of levyable waste, 24  
generated outside the non-levy zone, is 25  
received at the site during a year. 26
  - (2) The operator of the levyable waste disposal site 27  
must— 28
    - (a) ensure that a volumetric survey is carried 29  
out between 1 January and 30 June of the 30  
following year for— 31
      - (i) each active landfill cell at the site; and 32

- 
- (ii) all stockpiled waste at the site; and 1
- (b) give the chief executive a copy of the results 2  
of the survey before the end of July in the 3  
following year. 4
- Maximum penalty—200 penalty units. 5
- (3) The volumetric survey must be carried out in 6  
compliance with the requirements applying for 7  
volumetric surveys under section 70. 8
- (4) This section continues to apply to the operator— 9
- (a) regardless of whether waste may no longer 10  
be delivered to the site; and 11
- (b) even if the site ceases to be a levyable waste 12  
disposal site. 13
- (5) However, if a matter mentioned in subsection (4) 14  
happens, the carrying out of the survey and the 15  
giving of a copy of the results to the chief 16  
executive may happen earlier than when 17  
otherwise required under subsection (2). 18
- (6) This section does not apply to a small site until 19  
June 2022. 20
- (7) For the period from 1 January 2019 to 31 21  
December 2019, only levyable waste received at a 22  
levyable waste disposal site between 4 March 23  
2019 and 31 December 2019 is to be counted for 24  
subsection (1)(b). 25
- 69 Volumetric survey for new landfill cells 26**
- (1) This section applies to the operator of— 27
- (a) a levyable waste disposal site in the waste 28  
levy zone; or 29
- (b) a levyable waste disposal site in the 30  
non-levy zone if at least 600 tonnes of 31  
levyable waste generated outside the 32

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non-levy zone was received at the site during the preceding 12 months.	1 2
(2) Before a landfill cell is used for the first time for disposing of waste to landfill at the site, the operator of the site must, in compliance with the requirements applying for volumetric surveys under section 70—	3 4 5 6 7
(a) ensure that a volumetric survey is carried out for the landfill cell; and	8 9
(b) before the end of the month immediately following the month in which the volumetric survey is carried out, give the chief executive a copy of the results of the survey in the approved form.	10 11 12 13 14
Maximum penalty—200 penalty units.	15
(3) This section applies whether or not waste has previously been disposed of to landfill at the levyable waste disposal site.	16 17 18
<b>70 Requirements for volumetric surveys</b>	19
(1) This section states the requirements for carrying out volumetric surveys under this subdivision.	20 21
(2) A volumetric survey must be carried out in compliance with the requirements prescribed by regulation.	22 23 24
(3) The results of the volumetric survey must—	25
(a) be in the approved form; and	26
(b) be accompanied by a topographical plan complying with specifications advised by the chief executive; and	27 28 29
(c) be certified as accurate by a surveyor under the <i>Surveyors Act 2003</i> .	30 31

- 
- 71 Failure to carry out volumetric survey or give chief executive the results** 1  
2
- (1) This section applies if the operator of a levyable waste disposal site fails— 3  
4
- (a) to comply with a requirement under this subdivision to carry out a volumetric survey; 5  
6  
or 7
- (b) to give a copy of the results of a volumetric survey to the chief executive. 8  
9
- (2) The chief executive may arrange for the volumetric survey to be carried out at the site and for that purpose may direct an authorised person to enter the site to facilitate the carrying out of the survey. 10  
11  
12  
13  
14
- (3) The chief executive may recover the reasonable cost of the survey from the operator as a debt payable by the operator to the State. 15  
16  
17

**Subdivision 6 Waste data returns** 18

- 72 Submission of waste data returns** 19
- (1) The operator of a levyable waste disposal site must give the chief executive the returns (each a *waste data return*) required of the operator under subsections (2) and (3)— 20  
21  
22  
23
- (a) by the due date for the site; and 24
- (b) in the way decided by the chief executive as published on the department’s website. 25  
26
- Maximum penalty—300 penalty units. 27
- (2) Each of the following operators must give the chief executive a summary data return— 28  
29
- (a) the operator of a levyable waste disposal site in the waste levy zone; 30  
31

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- (b) the operator of a levyable waste disposal site in the non-levy zone if any levyable waste, generated at a place outside the non-levy zone, is received at the site during the levy period to which the return relates. 1  
2  
3  
4  
5
- (3) Each of the following operators must give the chief executive a detailed data return— 6  
7
- (a) the operator of a levyable waste disposal site in the waste levy zone if— 8  
9
- (i) the operator is required to hold an environmental authority for the disposal of more than 10,000 tonnes of waste in a year at the site; or 10  
11  
12  
13
- (ii) from 1 July 2021—the operator is required to hold an environmental authority for the disposal of more than 5,000 tonnes, but not more than 10,000 tonnes, of waste in a year at the site; or 14  
15  
16  
17  
18
- (iii) from 1 July 2024—the operator is not mentioned in subparagraph (i) or (ii); 19  
20
- (b) the operator of a levyable waste disposal site in the non-levy zone if— 21  
22
- (i) the operator is required to hold an environmental authority for the disposal of more than 10,000 tonnes of waste in a year at the site; and 23  
24  
25  
26
- (ii) at least 50 tonnes of levyable waste, generated outside the non-levy zone, is received at the site during the levy period to which the return relates. 27  
28  
29  
30
- (4) However, subsection (3) does not apply to the operator of a section 325 small site. 31  
32
- (5) In this section— 33
- detailed data return* means a return providing comprehensive information about all movements 34  
35



- 
- of waste and other material required to be measured under section 59. 1  
2
- due date*, for a levyable waste disposal site, means— 3  
4
- (a) the end of the last business day of the month following the end of a levy period for the site; or 5  
6  
7
- (b) if the chief executive grants an extension of time under section 72G, 72H or 72I for submitting the returns for the site—the end of the extension. 8  
9  
10  
11
- summary data return* means a return providing a summary of information, required to be measured under section 59, that the chief executive may use to calculate amounts payable for a particular levy period for a levyable waste disposal site. 12  
13  
14  
15  
16

## **Subdivision 7 Record keeping** 17

### **72A Operator of levyable waste disposal site to keep particular documents** 18 19

- The operator of a levyable waste disposal site must keep at the site, or at another place agreed to by the chief executive and the operator, each of the following documents for the period stated for the document— 20  
21  
22  
23  
24
- (a) a copy of a waste data return for 5 years after the return is given to the chief executive; 25  
26  
27
- (b) records containing any information that was used to support the preparation of a waste data return, including each of the following records, for 5 years after the return is given to the chief executive— 28  
29  
30  
31  
32

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(i)	weighbridge records;	1
(ii)	if weight measurement criteria were used—records of vehicles delivering waste to the site;	2 3 4
(iii)	for small sites that have used an alternative methodology under section 325, records that enable the chief executive to fairly work out the total waste levy amount owing for the site in a levy period;	5 6 7 8 9 10
(c)	a record required to be kept under section 58(3)(b) and section 65(2)(b) for 5 years after the record is made;	11 12 13
(d)	a copy of the results of a volumetric survey of a landfill cell at the site for 5 years after the survey is carried out;	14 15 16
(e)	a copy of the results of a volumetric survey of stockpiled waste at the site for 5 years after the survey is carried out;	17 18 19
(f)	a copy of a notice the operator is required to give the chief executive under this chapter for 5 years after giving the notice;	20 21 22
(g)	any other record prescribed by regulation for the period prescribed by regulation.	23 24
	Maximum penalty—300 penalty units.	25
<b>Division 3</b>	<b>Payment options</b>	26
<b>Subdivision 1</b>	<b>Waste levy instalment agreements</b>	27 28
<b>72B</b>	<b>Waste levy instalment agreement</b>	29
(1)	A <i>waste levy instalment agreement</i> is an	30

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agreement between the operator of a levyable waste disposal site and the chief executive providing for the payment by instalments of a waste levy amount owed by the operator instead of in compliance with the requirements that would otherwise apply under this chapter for the payment of the amount.

- (2) A waste levy instalment agreement may relate to 2 or more levyable waste disposal sites for which the same person is the operator.

**72C Application for waste levy instalment agreement**

- (1) The operator of a levyable waste disposal site may apply to the chief executive to enter into a waste levy instalment agreement for a waste levy amount the operator must pay the State.
- (2) The application must be in the approved form and be accompanied by—
- (a) a description of the operator’s financial situation that caused the operator’s inability to pay the waste levy amount by the due date for payment and how the financial situation came about; and
  - (b) up-to-date management and financial records to verify the information given under paragraph (a).
- (3) The chief executive must, within 20 days after receiving the application, decide either to grant or to refuse the application and—
- (a) if the decision is to grant the application—
    - (i) the terms of the waste levy instalment agreement; and

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- (ii) the period within which all waste levy amounts must be paid under the waste levy instalment agreement; or 1  
2  
3
  - (b) if the decision is to refuse the application— 4  
give the operator an information notice for 5  
the decision. 6
- (4) The chief executive may grant the application 7  
only if satisfied the applicant has demonstrated— 8
  - (a) an inability to pay the waste levy amount 9  
within the time required under this chapter; 10  
and 11
  - (b) how entering into the waste levy instalment 12  
agreement will allow the applicant to pay 13  
the waste levy amount while at the same 14  
time allowing the applicant to pay future 15  
waste levy amounts. 16
- (5) However— 17
  - (a) there may be only 1 waste levy instalment 18  
agreement in force between the operator of a 19  
levyable waste disposal site and the chief 20  
executive at any time; and 21
  - (b) only 1 waste levy instalment agreement may 22  
be entered into between the operator of a 23  
levyable waste disposal site and the chief 24  
executive in a financial year; and 25
  - (c) the period within which all waste levy 26  
amounts must be paid under the waste levy 27  
instalment agreement must not be longer 28  
than 6 months after the agreement is entered 29  
into. 30
- (6) A failure to make a decision within the period 31  
required is taken to be a decision by the chief 32  
executive to refuse the application. 33

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<b>72D Amendment of waste levy instalment agreement</b>	1
	2
(1) The operator of a levyable waste disposal site may apply to the chief executive for an amendment of a waste levy instalment agreement to—	3 4 5
(a) include an additional waste levy amount; or	6
(b) extend the period for the repayment of the total waste levy amount the subject of the agreement.	7 8 9
(2) However—	10
(a) any additional waste levy amount must not be greater than 10% of the total waste levy amount owing by the operator when the application is made, other than an amount already the subject of the agreement; and	11 12 13 14 15
(b) the period of any extension must not be more than 3 months; and	16 17
(c) the operator must not have previously made an application for the amendment of the waste levy instalment agreement.	18 19 20
(3) The application must be in the approved form and state—	21 22
(a) any additional waste levy amount sought to be included in the agreement; and	23 24
(b) the length of any extension sought; and	25
(c) the changes in the applicant's circumstances that have caused the applicant to seek the amendment.	26 27 28
(4) The chief executive must, within 20 days after receiving the application, decide either to grant or to refuse the application and—	29 30 31
(a) if the decision is to grant the application— give the operator a notice stating—	32 33

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- (i) the terms of the amended waste levy instalment agreement; and 1  
2
    - (ii) the period within which all waste levy amounts must be paid under the amended waste levy instalment agreement; or 3  
4  
5  
6
  - (b) if the decision is to refuse the application— 7  
give the operator an information notice for 8  
the decision. 9
  - (5) The chief executive may grant the application 10  
only if satisfied the applicant has demonstrated— 11
    - (a) an inability to pay waste levy amounts 12  
owing within the time provided for in the 13  
agreement; and 14
    - (b) how amendment of the agreement will allow 15  
the applicant to pay all waste levy amounts 16  
owing and future waste levy amounts. 17
  - (6) The making of an application under this section 18  
does not of itself affect the applicant’s obligations 19  
under the waste levy instalment agreement sought 20  
to be amended. 21
- 72E Interest affected by waste levy instalment agreement** 22  
23
- (1) Subsection (2) applies for a waste levy instalment 24  
agreement if— 25
    - (a) the application for the agreement was made 26  
after the due date for payment of a waste 27  
levy amount the subject of the application; 28  
and 29
    - (b) the agreement is entered into. 30
  - (2) Interest is payable under this chapter up to the day 31  
the application was made and must be paid on or 32  
before the due date for payment of the next waste 33  
levy amount. 34

- 
- (3) If an application for a waste levy instalment agreement is refused, the requirements under this chapter for the payment of interest continue to apply unaffected by the making or refusal of the application.

**72F Failure to pay an instalment under waste levy instalment agreement**

- (1) If an instalment of a waste levy amount is not paid on or before an instalment day under a waste levy instalment agreement—
- (a) the waste levy instalment agreement is taken to be no longer in force; and
  - (b) the due date for payment of any waste levy amount provided for in the agreement becomes—
    - (i) if the amount, apart from the agreement, would have been required to be paid on a day later than the instalment day—the later day; or
    - (ii) if the amount, apart from the agreement, would have been required to be paid on a day earlier than the instalment day—the day after the instalment day, or if that day is not a business day, the next business day; and
  - (c) for an amount mentioned in paragraph (b)(ii), interest becomes payable on the amount as if the waste levy instalment agreement had not been entered into, but only on and from the day after the instalment day, whether or not the day after the instalment day is a business day.
- (2) In this section—

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*instalment day*, under a waste levy instalment agreement, means a day when a payment is due under the agreement. 1  
2  
3

## **Subdivision 2 Extension of time** 4

### **72G Application for extension of time to pay waste levy amount** 5 6

- (1) The operator of a levyable waste disposal site may apply to the chief executive for an extension of time to pay a waste levy amount if the operator believes the operator can not pay the amount by the due date for payment of the amount. 7  
8  
9  
10  
11
- (2) However— 12
- (a) the extension of time can not be for more than 1 month; and 13  
14
- (b) the operator can not apply for the extension of time if the operator is conducting operations at the site for which the operator does not hold an environmental authority; and 15  
16  
17  
18  
19
- (c) the operator can not make more than— 20
- (i) 1 application for an extension of time under this section or section 72H for the payment of the same waste levy amount; or 21  
22  
23  
24
- (ii) 2 applications under this section or section 72H in a financial year. 25  
26
- (3) The application must— 27
- (a) be made before the due date for payment of the waste levy amount; and 28  
29
- (b) state the reasons why the extension is being applied for. 30  
31



- 
- (4) The chief executive must, within 5 business days after the due date for payment of the waste levy amount, decide either to grant or to refuse the application and—
- (a) if the decision is to grant the application—  
give the applicant a notice stating a new due date for payment of the waste levy amount;  
or
- (b) if the decision is to refuse the application—  
give the applicant an information notice for the decision.
- (5) The chief executive may grant the application only if satisfied that it is not reasonable to expect the applicant to pay the waste levy amount by the due date for payment.
- Example of when the chief executive may grant an application—*
- The operator has suffered a significant disruption to electricity supply or an extensive computer malfunction.
- (6) A failure to make a decision within the period required is taken to be a decision by the chief executive to refuse the application.

**72H Application for extension of time to submit waste data return and pay waste levy amount**

- (1) The operator of a levyable waste disposal site may apply to the chief executive for an extension of time to submit a waste data return and pay a waste levy amount if the operator considers the operator can not pay the amount by the due date for payment of the amount.
- (2) However—
- (a) the extension of time can not be for more than 1 month after—

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- (i) for submission of the waste data return—the due date for submission of the return; or
    - (ii) for payment of the waste levy amount—the due date for payment of the amount; and
  - (b) the operator can not apply for the extension of time if the operator is conducting operations at the site for which the operator does not hold an environmental authority; and
  - (c) the operator can not make more than—
    - (i) 1 application for an extension of time under this section or section 72G for the payment of the same waste levy amount; or
    - (ii) 2 applications under this section or section 72G in a financial year.
- (3) The application must—
  - (a) be made by the due date for the submission of the waste data return for the site; and
  - (b) state the reasons why the extension is being applied for.
- (4) The chief executive must, within 5 business days after the due date for the submission of the waste data return for the site, decide either to grant or to refuse the application and—
  - (a) if the decision is to grant the application—give the applicant a notice stating a new day by which the waste data return must be submitted and the new date by which the waste levy amount must be paid; or
  - (b) if the decision is to refuse the application—give the applicant an information notice for the decision.

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(5)	The chief executive may grant the application only if satisfied that it is not reasonable to expect the applicant to pay the waste levy amount by the due date for payment.	1 2 3 4
	<i>Example of when the chief executive may grant an application—</i>	5 6
	The operator has suffered a significant disruption to electricity supply or an extensive computer malfunction.	7 8
(6)	A failure to make a decision within the period required is taken to be a decision by the chief executive to refuse the application.	9 10 11
<b>72I</b>	<b>Public notice granting extension of time to submit waste data return and pay waste levy amount</b>	12 13 14
(1)	The chief executive may by publication on the department's website grant an extension of time to the operators of stated levyable waste disposal sites to do either of the following—	15 16 17 18
(a)	pay a waste levy amount;	19
(b)	submit a waste data return and pay a waste levy amount.	20 21
(2)	The chief executive may grant an extension under this section only if satisfied that the extension is justified because of a significant emergency.	22 23 24
<b>Subdivision 3</b>	<b>Chief executive's estimation of waste levy amount</b>	25 26 27
<b>72J</b>	<b>Estimation of waste levy amount payable by operator of levyable waste disposal site</b>	28 29
(1)	The chief executive may decide an estimate of the waste levy amount payable by the operator of a	30 31

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levyable waste disposal site for a particular period	1
(the <i>estimated waste levy amount</i> ) if—	2
(a) the operator did not give the chief executive	3
a waste data return by the due date for the	4
site under section 72; or	5
(b) the operator gave the chief executive	6
information, whether or not in the form of a	7
waste data return, that the chief executive	8
considers on reasonable grounds to be	9
incomplete or inaccurate; or	10
(c) the chief executive is satisfied on reasonable	11
grounds that the waste levy amount payable	12
by the operator for the period is incorrect.	13
(2) If the chief executive decides an estimated waste	14
levy amount for the operator—	15
(a) that amount becomes the waste levy amount	16
payable by the operator for the period; and	17
(b) the chief executive must give the operator	18
an information notice for the decision.	19
(3) To remove any doubt, it is declared that—	20
(a) the chief executive may act under this	21
section even if the due date for payment of	22
the waste levy amount payable has passed;	23
and	24
(b) the chief executive deciding an estimate of	25
the waste levy amount payable by the	26
operator for a period under this section does	27
not change the due date for payment of the	28
amount; and	29
(c) nothing in this section stops a subsequent	30
adjustment being made to the waste levy	31
amount payable by the operator for the	32
period if a different amount is decided under	33
a review of the chief executive’s decision on	34
the estimated waste levy amount.	35

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## Subdivision 4 Bad debt credit

1

### 72K Eligibility for bad debt credit after insolvency or bankruptcy of customer

2

3

(1) The operator of a levyable waste disposal site is eligible for a credit (a *bad debt credit*) for the waste levy amount payable by the operator of a levyable waste disposal site on an amount of waste delivered to the site if—

4

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8

(a) the operator was the operator of the site when the waste was delivered; and

9

10

(b) the waste was delivered to the site by another person (the *customer*) for consideration in money; and

11

12

13

(c) the operator included the waste in a summary data return for the site for the levy period in which the waste was delivered; and

14

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17

(d) the operator paid the waste levy amount; and

18

(e) the operator issued an invoice to the customer for the delivery within 30 days after the waste was delivered to the site and—

19

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22

(i) the invoice expressly included a service delivery charge for the operator's obligation to pay waste levy on the waste when delivered to the site; and

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26

(ii) the service delivery charge, excluding any component for GST, was not more than the waste levy amount; and

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(f) the customer failed to pay the operator all or part of the amount due for delivery of the waste within 30 days after being given an invoice for the amount; and

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- (g) the customer became insolvent within 12 months after the delivery of the waste to the site; and
  - (h) the operator has been unable to recover the amount owing from the customer despite having taken reasonable steps to do so; and
  - (i) the operator has offset against the amount owing by the customer any amount owed by the operator to the customer that may be set off against that amount; and
  - (j) the operator has reduced the amount owing by the value of any enforceable security the operator holds in relation to the customer but an amount remains outstanding in relation to the delivery; and
  - (k) the operator has submitted all the waste data returns and paid all waste levy owing by the operator when applying for the bad debt credit.
- (2) However, the operator is not eligible for the bad debt credit if—
- (a) the operator and the customer are, or were when the waste was delivered, related entities; or
  - (b) it is for an amount of waste delivered to the site while the customer continued to owe the operator an amount, for a previous delivery of waste, more than 30 days after being given an invoice for the previous delivery; or
  - (c) the operator has previously received a bad debt credit for the relevant delivery of the waste.
- (3) A person is a *related entity* for another person if—
- (a) for individuals—they are members of the same family; or

- 
- |  |                      |
|--|----------------------|
| (b) for an individual and a corporation—the individual or a member of the individual’s family—   | 1<br>2<br>3          |
| (i) is a majority shareholder, director or secretary of the corporation or a related body corporate of the corporation; or                                   | 4<br>5<br>6          |
| (ii) has an interest of 50% or more in the corporation; or   | 7<br>8               |
| (c) for an individual and a trustee of a trust—the individual or a related entity under another provision of this section is a beneficiary of the trust; or  | 9<br>10<br>11<br>12  |
| (d) for corporations—they are related bodies corporate; or   | 13<br>14             |
| (e) for a corporation and a trustee of a trust—the corporation or a related entity under another provision of this section is a beneficiary of the trust; or | 15<br>16<br>17<br>18 |
| (f) for trustees of 2 or more trusts—  | 19                   |
| (i) a person is a beneficiary of both trusts; or   | 20<br>21             |
| (ii) a person is a beneficiary of 1 trust and a related entity under another provision of this section is a beneficiary of the other trust.                  | 22<br>23<br>24<br>25 |
| (4) In this section—   | 26                   |
| <i>family</i> , for a person, means—   | 27                   |
| (a) the person’s spouse; or  | 28                   |
| (b) a parent of the person or the person’s spouse; or  | 29<br>30             |
| (c) a grandparent of the person or the person’s spouse; or   | 31<br>32             |

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- (d) a brother, sister, nephew or niece of the person or the person's spouse; or 1  
2
- (e) a child of the person or the person's spouse; or 3  
4
- (f) a grandchild of the person; or 5
- (g) the spouse of any person mentioned in paragraphs (b) to (f). 6  
7
- insolvent* means insolvent under the Corporations Act, section 95A(2). 8  
9
- operator*, of a levyable waste disposal site, includes a former operator of the site. 10  
11
- related body corporate* see the Corporations Act, section 50. 12  
13
- summary data return* see section 72(5). 14

**72L Application for bad debt credit** 15

- (1) The operator or former operator of a levyable waste disposal site who is eligible for a bad debt credit may apply to the chief executive for relief. 16  
17  
18
- (2) The application must— 19
- (a) be in the approved form; and 20
- (b) be supported by enough information to allow the chief executive to decide the application. 21  
22  
23

**72M Chief executive may require additional information or documents** 24  
25

- (1) Within 28 days after receiving a bad debt credit application, the chief executive may, by notice given to the applicant, require the applicant to give the chief executive further reasonable information or documents about the application by a reasonable day stated in the notice. 26  
27  
28  
29  
30  
31



- 
- (2) The applicant may, before the stated day, agree with the chief executive about extending the time for providing the further information or documents. 1  
2  
3  
4
- (3) The application is taken to be withdrawn if the applicant does not give the chief executive the further information or documents by the stated day or the end of any extension agreed between the chief executive and the applicant. 5  
6  
7  
8  
9

### **72N Deciding application** 10

- (1) The chief executive must decide either to grant or refuse a bad debt credit application within 30 days after the later of the following days— 11  
12  
13
- (a) the day the chief executive receives the application; 14  
15
- (b) if additional information or documents are requested under section 72M—the day the chief executive receives the information or documents. 16  
17  
18  
19
- (2) In deciding whether to grant or refuse the application, the chief executive must consider the information included in the application. 20  
21  
22
- (3) The chief executive must— 23
- (a) grant a bad debt credit application if the applicant is eligible for the credit; or 24  
25
- (b) refuse a bad debt credit application if the applicant is not eligible for the credit. 26  
27
- (4) A failure to make a decision within the period required is taken to be a decision by the chief executive to refuse the application. 28  
29  
30

### **72O Grant of application** 31

- (1) If the chief executive decides to grant a bad debt 32

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credit application, the chief executive must, 1  
within 5 business days after granting the 2  
application, give the applicant a notice stating— 3  
(a) the application has been granted; and 4  
(b) the amount of the bad debt credit. 5  
(2) The notice must also include or be accompanied 6  
by an information notice for the decision in 7  
relation to the amount of the bad debt credit. 8

**72P Refusal of application** 9

If the chief executive decides to refuse a bad debt 10  
credit application, the chief executive must, 11  
within 5 business days after refusing the 12  
application, give the applicant an information 13  
notice for the decision. 14

**72Q Payment of bad debt credit** 15

- (1) This section applies if the chief executive decides 16  
to grant a bad debt credit application. 17
- (2) The chief executive must deduct the amount of 18  
the bad debt credit from the waste levy amount the 19  
applicant is required to remit to the State under 20  
section 56 for the relevant levy period. 21
- (3) Also, if the total amount of the bad debt credit is 22  
more than the amount the applicant is required to 23  
remit to the State, the chief executive must pay the 24  
applicant an amount equal to the excess. 25
- (4) If the applicant is no longer the operator of a 26  
levyable waste disposal site, the chief executive 27  
must pay the applicant an amount equal to the bad 28  
debt credit. 29
- (5) In this section— 30  
*relevant levy period*, for an application, means the 31  
levy period at the time the application is decided. 32

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<b>Part 6</b>	<b>Resource recovery area</b>	1
<b>Division 1</b>	<b>Declaration of resource recovery area</b>	2
		3
<b>72R Resource recovery area</b>		4
	The operator of a waste disposal site may declare an area within the site as a <i>resource recovery area</i> if—	5
		6
		7
	(a) a recycling activity is conducted in the area; and	8
		9
	(b) the operator, or another entity that is responsible for the operation of the area, holds all licences, environmental authorities or other approvals required for conducting the recycling activity in the area; and	10
		11
		12
		13
		14
	(c) a physical barrier—	15
	(i) separates the area from the rest of the site; and	16
		17
	(ii) prevents vehicles from moving between the area and the rest of the site other than through points of access shown on the plan of the site accompanying a notice under section 72S or 72U; and	18
		19
		20
		21
		22
		23
	(d) the area and the physical barrier comply with the requirements prescribed by regulation for the area and barrier; and	24
		25
		26
	(e) there has not, within the last year, been a revocation of a declaration of a resource recovery area at the site.	27
		28
		29

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- 72S Declaration of resource recovery area** 1
- (1) The operator of a waste disposal site declares a resource recovery area by giving the chief executive notice of a proposed resource recovery area at least 20 days before using the area as a resource recovery area. 2  
3  
4  
5  
6
- (2) The notice must— 7
- (a) be in the approved form; and 8
- (b) state the day the declaration takes effect; and 9
- (c) include a description of the activities to be carried out in the resource recovery area; and 10  
11  
12
- (d) be accompanied by a plan of the waste disposal site indicating the resource recovery area and clearly showing— 13  
14  
15
- (i) the physical barrier between the area and the rest of the site; and 16  
17
- (ii) the points of access allowing vehicles to move between the area and the rest of the site; and 18  
19  
20
- (e) be signed by the operator and any other entity that will be responsible for the area. 21  
22
- 72T Effect of declaration of resource recovery area** 23
- If the requirements under this division for the declaration or amendment of a resource recovery area have been complied with, and the declaration has not been cancelled or revoked— 24  
25  
26  
27
- (a) the resource recovery area is not part of the levyable waste disposal site whose operator made the declaration; and 28  
29  
30
- (b) all waste that is moved from the resource recovery area to the levyable waste disposal site is, for the purposes of the waste levy, 31  
32  
33

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taken to be waste delivered to the levyable 1  
waste disposal site. 2

*Note—* 3

If levyable waste is delivered to a levyable waste 4  
disposal site, the waste levy on the waste may be 5  
payable under section 36. 6

## **72U Amendment of resource recovery area** 7

(1) The operator of a waste disposal site for which a 8  
resource recovery area has been declared may 9  
amend the area's declaration as a resource 10  
recovery area by giving the chief executive notice 11  
of the proposed amendment at least 20 days 12  
before the amendment is to take effect. 13

(2) The notice must— 14

(a) be in the approved form; and 15

(b) state the day the amendment takes effect; 16  
and 17

(c) if the recycling activities to be conducted in 18  
the amended resource recovery area differ 19  
from the activities currently carried out in 20  
the area—include a description of the 21  
recycling activities to be conducted in the 22  
amended resource recovery area; and 23

(d) be accompanied by a plan of the waste 24  
disposal site indicating the amended 25  
resource recovery area and clearly 26  
showing— 27

(i) the physical barrier between the area 28  
and the rest of the site; and 29

(ii) the points of access allowing vehicles 30  
to move between the area and the rest 31  
of the site; and 32

(e) be signed by the operator and any other 33  
entity that will be responsible for the area. 34

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- (3) The operator need not act under subsection (1) if the only change to the resource recovery area is a change to—
- (a) the recycling activities conducted in the area; or
  - (b) the physical barrier or points of access for the area that do not change the boundaries of the area; or
  - (c) the entity having responsibility for the operation of the area.
- (4) If an amendment of a resource recovery area under this section results in a part of the area being within the levyable waste disposal site—
- (a) that part of the area becomes part of the site; and
  - (b) all waste within that part of the area is, for the purposes of the waste levy, taken to be waste delivered to the site.
- Note—*
- If levyable waste is delivered to a levyable waste disposal site, the waste levy on the waste may be payable under section 36.

## **72V Cancellation of resource recovery area**

- (1) The operator of a waste disposal site for which a resource recovery area has been declared may cancel the area's declaration as a resource recovery area by giving the chief executive notice of the proposed cancellation at least 30 days before the cancellation is to take effect.
- (2) The notice must state the day the cancellation takes effect.
- (3) If a resource recovery area is cancelled under this section—

- 
- (a) the cancelled area becomes part of the  
levyable waste disposal site; and
- (b) all waste within the cancelled area is, for the  
purposes of the waste levy, taken to be waste  
delivered to the levyable waste disposal site.
- Note—*
- If levyable waste is delivered to a levyable waste  
disposal site, the waste levy on the waste may be  
payable under section 36.

## **72W Revocation of resource recovery area by chief executive**

- (1) The chief executive may revoke a declaration by  
the operator of a waste disposal site of an area as  
a resource recovery area if—
- (a) there is an active landfill cell within the  
area; or
- (b) the amount of waste, including recyclable  
waste, stockpiled in the area is greater than  
the total amount of waste delivered to the  
area in the previous 12 months; or
- (c) the operator or another entity having  
responsibility for the operation of the  
resource recovery area is convicted of an  
offence under this part; or
- (d) the chief executive is satisfied the area does  
not fulfil, or no longer fulfils, the  
requirements under section 72R for an area  
to be declared as a resource recovery area.
- (2) Before revoking the declaration (the *proposed  
action*), the chief executive must give notice to  
the operator of the waste disposal site stating all of  
the following—
- (a) the proposed action;
- (b) the grounds for taking the proposed action;

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- |   |                            |
|---|----------------------------|
| (c) the facts and circumstances that form the basis for the grounds;  | 1<br>2                     |
| (d) when the proposed action is intended to take effect;  | 3<br>4                     |
| (e) that the operator may make, within a stated period, written submissions to show why the proposed action should not be taken.  | 5<br>6<br>7                |
| (3) The stated period for submissions must not end earlier than 21 days after the operator of the waste disposal site is given the notice.  | 8<br>9<br>10               |
| (4) The chief executive must consider all submissions made under subsection (2)(e).   | 11<br>12                   |
| (5) If the chief executive decides to take the proposed action, the chief executive must, within 10 business days after making the decision, give the operator of the waste disposal site an information notice for the decision. | 13<br>14<br>15<br>16<br>17 |
| (6) The decision takes effect when the information notice is given.   | 18<br>19                   |
| (7) If a resource recovery area is revoked under this section—  | 20<br>21                   |
| (a) the area becomes part of the levyable waste disposal site; and  | 22<br>23                   |
| (b) all waste within the area is, for the purposes of the waste levy, taken to be waste delivered to the levyable waste disposal site.  | 24<br>25<br>26             |
| <i>Note—</i>  | 27                         |
| If levyable waste is delivered to a levyable waste disposal site, the waste levy on the waste may be payable under section 36.  | 28<br>29<br>30             |

<b>Division 2</b>	<b>Obligations relating to</b>	31
	<b>resource recovery area</b>	32



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**72X Requirement to keep documents**

- An entity having responsibility for the operation of a resource recovery area must keep the following documents for at least 5 years after the event that is the subject of the document happens—
- (a) any document that records waste delivered to the area, including its measurements;
  - (b) any document that records waste or other material removed from the area as mentioned in section 59(d), including its measurements;
  - (c) a copy of the results of a volumetric survey of the area carried out under section 72Y or 72Z;
  - (d) any document that records any other event for the area as prescribed by regulation.
- Maximum penalty—300 penalty units.

**72Y Volumetric survey for resource recovery area in waste levy zone**

- (1) From 1 June 2020, this section applies for a resource recovery area for a waste disposal site in the waste levy zone.
  - (2) The entity having responsibility for the operation of the resource recovery area must, in each year—
    - (a) ensure that a volumetric survey is carried out in June for all stockpiled waste at the resource recovery area; and
    - (b) give the chief executive a copy of the results of the volumetric survey in the approved form before the end of July.
- Maximum penalty—200 penalty units.
- (3) The volumetric survey must be carried out in

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- compliance with the requirements prescribed by regulation. 1  
2
- (4) The results of the volumetric survey must— 3
- (a) be in electronic form; and 4
- (b) include a topographical plan complying with the specifications advised by the chief executive; and 5  
6  
7
- (c) include details of the following— 8
- (i) the area of the resource recovery area; 9
- (ii) the stockpiles of waste, including recyclable waste, at the area; and 10  
11
- (d) be certified as accurate by a surveyor under the *Surveyors Act 2003*. 12  
13
- (5) This section continues to apply to the entity having responsibility for the operation of the resource recovery area even if the declaration of the area as a resource recovery area is cancelled or revoked. 14  
15  
16  
17  
18
- (6) However, if a matter mentioned in subsection (5) happens, the carrying out of the survey and the giving of a copy of the results to the chief executive may happen earlier than when otherwise required under subsection (2). 19  
20  
21  
22  
23
- (7) This section does not apply to a resource recovery area for a small site until 1 June 2022. 24  
25
- 72Z Volumetric survey for resource recovery area in non-levy zone** 26  
27
- (1) This section applies for a resource recovery area declared for a waste disposal site if— 28  
29
- (a) the site is in the non-levy zone; and 30
- (b) at least 600 tonnes of levyable waste, generated outside the non-levy zone, was 31  
32

- 
- received at the resource recovery area 1  
during a year. 2
- (2) The entity having responsibility for the operation 3  
of the resource recovery area must— 4
- (a) before the end of June of the following year, 5  
ensure a volumetric survey is carried out for 6  
all stockpiled waste at the resource recovery 7  
area; and 8
- (b) before the end of July in the following year, 9  
give the chief executive a copy of the results 10  
of the survey in the approved form. 11
- Maximum penalty—200 penalty units. 12
- (3) The volumetric survey must be carried out in 13  
compliance with the requirements prescribed by 14  
regulation. 15
- (4) The results of the volumetric survey must— 16
- (a) be in electronic form; and 17
- (b) include a topographical plan complying 18  
with specifications advised by the chief 19  
executive; and 20
- (c) include details of the following— 21
- (i) the area of the resource recovery area; 22
- (ii) the stockpiles of waste, including 23  
recyclable waste, at the area; and 24
- (d) be certified as accurate by a surveyor under 25  
the *Surveyors Act 2003*. 26
- (5) This section continues to apply to the entity 27  
having responsibility for the operation of the 28  
resource recovery area even if the declaration of 29  
the area as a resource recovery area is cancelled or 30  
revoked. 31
- (6) However, if a matter mentioned in subsection (5) 32  
happens, the carrying out of the survey and the 33

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giving of a copy of the results to the chief executive may happen earlier than when otherwise required under subsection (2). 1  
2  
3

(7) This section does not apply to a resource recovery area declared for a small site until 1 June 2022. 4  
5

(8) For the period from 1 January 2019 to 31 December 2019, only levyable waste received at a levyable waste disposal site between 4 March 2019 and 31 December 2019 is to be counted for subsection (1)(b). 6  
7  
8  
9  
10

**73 Volumetric survey carried out by chief executive** 11  
12

(1) This section applies if the entity having responsibility for the operation of a resource recovery area— 13  
14  
15

(a) is required to carry out a volumetric survey under section 72Y(2)(a) or 72Z(2)(a); but 16  
17

(b) fails to carry out the volumetric survey in compliance with the requirements prescribed by regulation. 18  
19  
20

(2) The chief executive may arrange for the volumetric survey to be carried out at the resource recovery area and for that purpose may direct an authorised person to enter the area to facilitate the carrying out of the survey. 21  
22  
23  
24  
25

(3) The chief executive may recover the cost of carrying out the volumetric survey from the entity as a debt payable by the entity to the State. 26  
27  
28

**73A Obligations of entity responsible for operation of resource recovery area** 29  
30

(1) This section applies if the operator of a waste disposal site has declared, or claims to have declared, an area as a resource recovery area 31  
32  
33

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under section 72S.	1
(2) The entity having responsibility for the operation of the resource recovery area must ensure—	2 3
(a) there is not an active landfill cell within the area; and	4 5
(b) the area complies with the requirements for the area prescribed by regulation; and	6 7
(c) the physical barrier between the resource recovery area and the rest of the waste disposal site complies with the requirements prescribed by regulation; and	8 9 10 11
(d) the points of access allowing vehicles to move between the area and the rest of the waste disposal site comply with the requirements prescribed by regulation.	12 13 14 15
Maximum penalty—1,665 penalty units.	16
<b>73B False claims about resource recovery area</b>	17
(1) The operator of a waste disposal site must not claim to have a resource recovery area for the site if—	18 19 20
(a) the operator has not declared the area under section 72S; or	21 22
(b) the declaration of the area has been cancelled or revoked under section 72V or 72W.	23 24 25
Maximum penalty—1,665 penalty units.	26
(2) The operator of a waste disposal site must not falsely claim a part of the site is within the resource recovery area for the site.	27 28 29
Maximum penalty—1,665 penalty units.	30

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<b>73C Changes affecting resource recovery area requiring notification</b>	1 2
(1) This section applies for a waste disposal site if a declaration of a resource recovery area is in effect for the site.	3 4 5
(2) If there is a change to the physical barrier or points of access for the resource recovery area that does not change the boundaries of the area, the operator of the waste disposal site must do all of the following within 7 days after the change happens—	6 7 8 9 10 11
(a) amend the plan of the waste disposal site;	12
(b) give the chief executive notice of the change in the approved form;	13 14
(c) give the chief executive a copy of the amended plan of the waste disposal site indicating the resource recovery area and clearly showing the physical barrier and points of access for the area.	15 16 17 18 19
Maximum penalty—300 penalty units.	20
(3) If the recycling activities declared to be conducted in the resource recovery area change, the operator of the waste disposal site must advise the chief executive of the change within 7 days after the change happens.	21 22 23 24 25
Maximum penalty—100 penalty units.	26
(4) If there is a change of the entity having responsibility for the operation or the resource recovery area, the entity having responsibility for the operation of the area immediately before the change must notify the chief executive of the change within 7 days after the change happens.	27 28 29 30 31 32
Maximum penalty—100 penalty units.	33



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- (7) A local government is taken to have distributed 1  
misinformation in relation to an annual payment if 2  
the local government— 3
- (a) included the misinformation in a rate notice 4  
or other document issued by the local 5  
government; or 6
- (b) published the misinformation on the local 7  
government’s website; or 8
- (c) included the misinformation in an 9  
advertisement made by, or on behalf of, the 10  
local government. 11
- (8) In this section— 12
- misinformation***, in relation to an annual payment, 13  
means a false or misleading statement about— 14
- (a) the impact of the waste levy on a local 15  
government; or 16
- (b) the purpose of the annual payment; or 17
- (c) the amount of the annual payment paid to a 18  
local government. 19
- rate notice***— 20
- (a) for the City of Brisbane—see the *City of* 21  
*Brisbane Regulation 2012*, schedule 4; or 22
- (b) for any other local government—see the 23  
*Local Government Regulation 2012*, 24  
schedule 8. 25
- ratepayer***, for a rate notice, means the entity given 26  
the notice. 27

### **73E Review of efficacy of waste levy** 28

The chief executive must review the efficacy of 29  
the waste levy— 30

- (a) within 3 years after the commencement; and 31



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	(b) at intervals of not more than 10 years from 1	1
	review to the next.	2
<b>Clause 7</b>	<b>Amendment of s 104 (Illegal dumping of waste provision)</b>	3
	Section 104(1), penalty—	4
	<i>omit, insert—</i>	5
	Maximum penalty—	6
	(a) if the offence involves depositing a volume	7
	of less than 2,500L of waste—400 penalty	8
	units; or	9
	(b) if the offence involves depositing a volume	10
	of 2,500L or more of waste—whichever is	11
	the greater of the following amounts—	12
	(i) 1,000 penalty units;	13
	(ii) a fine that is twice the waste levy	14
	amount that would have been payable,	15
	when the waste was dumped, by the	16
	operator of a levyable waste disposal	17
	site if the waste had been delivered to	18
	the site.	19
<b>Clause 8</b>	<b>Amendment of ch 7, hdg (Reporting about waste</b>	20
	<b>management)</b>	21
	Chapter 7, heading, after ‘management’—	22
	<i>insert—</i>	23
	<b>and waste disposal and recycling</b>	24
<b>Clause 9</b>	<b>Replacement of ch 7, pt 3 (Reporting by chief executive)</b>	25
	Chapter 7, part 3—	26
	<i>omit, insert—</i>	27

[s 9]

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<b>Part 3</b>	<b>Reporting on waste disposal and recycling</b>	1 2
<b>154</b>	<b>Annual report on waste disposal and recycling</b>	3
(1)	The chief executive must, by 31 December in each year, prepare and make publicly available a report that summarises the amounts of waste and recycling reported in the most recently completed financial year.	4 5 6 7 8
(2)	In preparing the report, the chief executive must have regard to information given to the chief executive under parts 1 and 2 and chapter 3, part 5.	9 10 11 12
(3)	The report must include the following information and, if appropriate, an evaluation of the information—	13 14 15
(a)	the total amount of the waste levy paid to the State;	16 17
(b)	the amount and types of waste on which the waste levy was paid to the State;	18 19
(c)	the amounts and types of waste on which the waste levy would have been paid if it were not exempt waste;	20 21 22
(d)	the number of levyable waste disposal sites in the waste levy zone and non-levy zone that received waste on which the waste levy was paid to the State;	23 24 25 26
(e)	the amounts of annual payments made to local governments under section 73D;	27 28
(f)	the amounts and types of waste reported as being recycled by local governments;	29 30
(g)	the amounts and types of waste reported as being recycled by reporting entities;	31 32

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(h)	the amounts and types of waste reported as being disposed of by local governments;	1 2
(i)	the amounts and types of waste reported as being disposed of by reporting entities;	3 4
(j)	the amounts and types of waste reported as being the subject of littering or illegal dumping;	5 6 7
(k)	the number of product stewardship schemes in effect under this Act;	8 9
(l)	the number of local governments that have adopted a waste reduction and recycling plan and have reported on the plan;	10 11 12
(m)	the number of State entities that have adopted a waste reduction and recycling plan and have reported on the plan;	13 14 15
(n)	the number of planning entities that have adopted waste reduction and recycling plans, other than by adopting the waste reduction and recycling plan of a sector of reporting entities;	16 17 18 19 20
(o)	the number of waste reduction and recycling plans that are in place for sectors of reporting entities.	21 22 23
<b>Clause 10</b>	<b>Amendment of s 245 (Definitions for chapter)</b>	24
	Section 245, definition <i>prescribed provision</i> , paragraph (a), ‘43(2), 44(2), 52(2)’—	25 26
	<i>omit, insert—</i>	27
	38, 53(2), 54(2), 57(2) or (3), 58(2), 60(2), (4) or (6), 61(2) or (3), 63(4), 64(2), 66(2), 67(1), 68(2), 69(2), 72(1), 72A, 72X, 72Y(2), 72Z(2), 73A(2)	28 29 30

[s 11]

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<b>Clause 11</b>	<b>Amendment of s 249 (Restriction on giving compliance notice)</b>	1 2
	Section 249(3) and (4), ‘section 43(2)’—	3
	<i>omit, insert—</i>	4
	section 57(2) or (3)	5
<b>Clause 12</b>	<b>Amendment of s 251 (Person must comply with notice)</b>	6
	Section 251, penalty, paragraph (b), ‘section 43(3) or (4)’—	7
	<i>omit, insert—</i>	8
	section 58(2) or (3)	9
<b>Clause 13</b>	<b>Amendment of s 253 (When waste audit required)</b>	10
	Section 253(4), definition <i>prescribed provision</i> , ‘43(2), 44(3), 52(1),’—	11 12
	<i>omit, insert—</i>	13
	56(2), 57(2) or (3), 58(2), 60(2), (4) or (6), 61(2) or (3), 67(1), 68(2), 69(2), 72(1), 72A, 72X, 72Y(2), 72Z(2), 73A(2), 73B(1) or (2),	14 15 16
<b>Clause 14</b>	<b>Insertion of new ch 12A</b>	17
	After section 257—	18
	<i>insert—</i>	19
	<b>Chapter 12A Legal proceedings</b>	20
	<b>257A Application of chapter</b>	21
	This chapter applies to a legal proceeding under this Act.	22 23

---

<b>257B Appointments and authority</b>	1
The following must be presumed unless a party to	2
the proceeding, by reasonable notice, requires	3
proof of it—	4
(a) the chief executive’s appointment;	5
(b) an authorised person’s appointment.	6
<b>257C Signatures</b>	7
A signature purporting to be the signature of the	8
following person is evidence of the signature it	9
purports to be—	10
(a) the chief executive;	11
(b) an authorised person.	12
<b>257D Evidentiary provisions</b>	13
(1) A certificate purporting to be signed by the chief	14
executive and stating any of the following matters	15
is evidence of the matter—	16
(a) on a stated day a stated waste levy amount	17
was payable by a stated person;	18
(b) on a stated day a stated person was given a	19
stated notice or direction under this Act;	20
(c) a stated amount that is or was payable under	21
this Act by a stated person had or had not	22
been paid by the person on a stated day;	23
(d) a stated document is a copy of a document	24
issued, given, received or kept by the chief	25
executive under this Act;	26
(e) on a stated day, or during a stated period, a	27
stated person was or was not the holder of	28
an approval, agreement, extension or other	29
authority given under this Act;	30

[s 15]

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	(f) on a stated day, or during a stated period, a stated person was or was not the holder of an environmental approval or other authority given under the Environmental Protection Act;	1 2 3 4 5
	(g) an approval, agreement, extension or other authority given under this Act or an environmental approval or other authority given under the Environmental Protection Act—	6 7 8 9 10
	(i) was or was not issued or given for a stated term; or	11 12
	(ii) was or was not in force on a stated day or during a stated period; or	13 14
	(iii) was or was not subject to a stated condition;	15 16
	(h) the reasonable costs incurred by the chief executive in investigating and prosecuting an offence.	17 18 19
(2)	In a proceeding for an offence against this Act, the production by the prosecutor of a certificate purporting to be signed by an appropriately qualified person (the <i>analyst</i> ) and stating any of the following matters is evidence of the matter stated in the certificate—	20 21 22 23 24 25
	(a) the analyst received from a stated person the sample mentioned in the certificate;	26 27
	(b) the analyst analysed the sample on a stated day and at a stated place;	28 29
	(c) the results of the analysis.	30
<b>Clause 15</b>	<b>Amendment of s 258 (Court may make particular orders)</b>	31
	Section 258(7), definition <i>prescribed offence</i> —	32
	<i>omit, insert</i> —	33

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	<i>prescribed offence</i> means an offence against section 53(2), 57(2) or (3), 58(2), (3) or (4), 60(2), (4) or (6), 61(2) or (3), 69(2), 72(1), 73A(2), 73B(1) or (2), 101, 104(1), 158(1) or (2), 173K(2), 264(1) or (2), 265(1), 265A(2), 296(1) or 297(1).	1 2 3 4 5 6
<b>Clause 16</b>	<b>Amendment of s 264 (General duties about documents or records)</b>	7 8
	Section 264—	9
	<i>insert—</i>	10
	(3) However, if a person contravenes subsection (1) or (2) with the intent to evade payment of the waste levy, the person is liable to a maximum penalty of—	11 12 13 14
	(a) 2 years imprisonment; or	15
	(b) whichever is the greater of the following amounts—	16 17
	(i) 2,000 penalty units;	18
	(ii) a fine that is twice the waste levy amount the payment of which the person sought to evade, and twice the amount of any interest payable in relation to the failure to pay the waste levy amount by the due date for its payment.	19 20 21 22 23 24 25
<b>Clause 17</b>	<b>Replacement of s 265 (Giving chief executive false or misleading information)</b>	26 27
	Section 265—	28
	<i>omit, insert—</i>	29
	<b>265 Giving chief executive false or misleading information</b>	30 31
	(1) A person must not, in relation to the	32

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[s 17]

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- administration of this Act, give the chief executive information the person knows is false or misleading in a material particular. 1  
2  
3
- Maximum penalty—1,665 penalty units. 4
- (2) However, if the person gave the information to the chief executive with the intent to evade payment of the waste levy, the person is liable to a maximum penalty of— 5  
6  
7  
8
- (a) 2 years imprisonment; or 9
- (b) whichever is the greater of the following amounts— 10  
11
- (i) 2,000 penalty units; 12
- (ii) a fine that is twice the waste levy amount the payment of which the person sought to evade, and twice the amount of any interest payable in relation to the failure to pay the waste levy amount by the due date for its payment. 13  
14  
15  
16  
17  
18  
19
- (3) Subsection (1) applies to information given in relation to the administration of this Act whether or not the information was given in response to a specific power under this Act. 20  
21  
22  
23
- (4) Subsection (1) does not apply to a person if the person, when giving information in a document— 24  
25
- (a) tells the chief executive, to the best of the person's ability, how the document is false or misleading; and 26  
27  
28
- (b) if the person has, or can reasonably obtain, the correct information—gives the correct information. 29  
30  
31



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**265A Giving chief executive incomplete information**

- 1  
2
- (1) This section applies to a person who is required under chapter 3 to give a document to the chief executive. 3  
4  
5
- (2) The person must not give the chief executive a document the person knows, or ought reasonably to know, contains incomplete information in a material particular. 6  
7  
8  
9
- Maximum penalty—1,665 penalty units. 10
- (3) However, if the person gave the document to the chief executive with the intent to evade payment of the waste levy, the person is liable to a maximum penalty of— 11  
12  
13  
14
- (a) 2 years imprisonment; or 15
- (b) whichever is the greater of the following amounts— 16  
17
- (i) 2,000 penalty units; 18
- (ii) a fine that is twice the waste levy amount the payment of which the person sought to evade, and twice the amount of any interest payable in relation to the failure to pay the waste levy amount by the due date for its payment. 19  
20  
21  
22  
23  
24  
25
- (4) Subsection (2) does not apply to a person if the person, when giving document— 26  
27
- (a) tells the chief executive of the extent to which the document is incomplete; and 28  
29
- (b) if the person has, or can reasonably obtain, the complete information—gives the information. 30  
31  
32
- (5) It is enough for a complaint for an offence against subsection (2) to state the person knew, or ought 33  
34

[s 18]

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reasonably to have known, the document was 1  
incomplete, without specifying whether the 2  
person knew it was incomplete or whether the 3  
person ought reasonably to have known it was 4  
incomplete. 5

**Clause 18 Amendment of s 271 (Regulation-making power) 6**

(1) Section 271(2)— 7

*insert—* 8

(f) the recycling efficiency threshold for 9  
recycling activities; 10

(g) the day, prescribed by regulation, by which 11  
the chief executive must review the 12  
following— 13

(i) the discounted rate for the waste levy 14  
for residue waste; 15

(ii) the recycling efficiency threshold for 16  
recycling activities; 17

(iii) any other matters mentioned in chapter 18  
3, part 4 as being prescribed by 19  
regulation. 20

(2) Section 271— 21

*insert—* 22

(4) Subject to the *National Measurement Act 1960* 23  
(Cwlth), a regulation may impose requirements 24  
for a weighbridge that are additional to the 25  
requirements applying to the weighbridge under 26  
another Act or under a law of the Commonwealth. 27

**Clause 19 Insertion of new ch 16, pt 3 28**

Chapter 16— 29

*insert—* 30

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<b>Part 3</b>	<b>Transitional provisions for Waste Reduction and Recycling (Waste Levy) and Other Legislation Amendment Act 2018</b>	1 2 3 4 5 6
<b>Division 1</b>	<b>Exemption from waste levy for residue waste until 30 June 2022</b>	7 8 9
<b>309 Definitions for division</b>		10
	In this division—	11
	<i>Cairns Bedminster facility</i> means the facility in Cairns for mechanical biological treatment using Bedminster technology to sort non-organic materials from mixed solid waste and compost the remaining organic material through drum composting and maturation.	12 13 14 15 16 17
	<i>construction and demolition waste</i> means waste generated as a result of carrying out building work within the meaning of the <i>Building Act 1975</i> , section 5.	18 19 20 21
	<i>material recovery facility</i> means a facility for conducting a recycling activity that comprises sorting any waste other than construction and demolition waste, and preparing recyclable waste for marketing to users.	22 23 24 25 26
	<i>qualifying period</i> means the period starting on 1 July 2018 and ending on the commencement.	27 28
	<i>transition period</i> means—	29

[s 19]

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- (a) for the Cairns Bedminster facility—the period starting on the commencement and ending on 30 June 2026; or
  - (b) otherwise—the period starting on the commencement and ending on 30 June 2022.
- transition period exempt residue waste application* see section 310(1).

**310 Application for approval of residue waste as exempt waste for transition period**

- (1) An entity that conducted a recycling activity during the qualifying period may apply to the chief executive for an approval that residue waste identified in the application (a *transition period exempt residue waste application*) is exempt waste for the transition period.
- (2) For an application relating to a material recovery facility, the application must—
  - (a) be made on or before 30 June 2019; and
  - (b) be in the approved form; and
  - (c) be supported by enough information to allow the chief executive to decide the application, including evidence that the applicant conducted a recycling activity during the qualifying period.
- (3) For an application relating to the Cairns Bedminster facility, the application must—
  - (a) be in the approved form; and
  - (b) be supported by enough information to allow the chief executive to decide the application.
- (4) For an application not mentioned in subsection (2) or (3), the application must—

- 
- (a) be made on or before 30 June 2019; and 1
  - (b) be in the approved form; and 2
  - (c) be supported by enough information to 3  
allow the chief executive to decide the 4  
application, including evidence that— 5
    - (i) the applicant conducted a recycling 6  
activity during the qualifying period; 7  
and 8
    - (ii) payment of the waste levy on the 9  
residue waste from the applicant's 10  
recycling activity would cause the 11  
applicant financial hardship to an 12  
extent that would stop its business from 13  
operating. 14

**311 Chief executive may require additional 15  
information or documents 16**

- (1) Within 28 days after receiving a transition period 17  
exempt residue waste application, the chief 18  
executive may, by notice given to the applicant, 19  
require the applicant to give the chief executive 20  
further reasonable information or documents 21  
about the application by a reasonable day stated in 22  
the notice. 23
- (2) The application is taken to be withdrawn if the 24  
applicant does not give the chief executive the 25  
further information or documents by the stated 26  
day. 27

**312 Deciding application 28**

- (1) The chief executive must decide either to grant or 29  
to refuse a transition period exempt residue waste 30  
application within a period that is reasonable in 31  
the circumstances. 32
- (2) In deciding the application, the chief executive 33

[s 19]

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- must consider the following— 1
- (a) the objects of this Act; 2
  - (b) the information included in the application; 3
  - (c) whether adequate measures will be 4  
implemented to progressively minimise the 5  
amount of the applicant’s residue waste 6  
generation; 7
  - (d) whether adequate measures will be 8  
implemented to ensure the applicant will be 9  
able to keep conducting the recycling 10  
activity after the transition period ends; 11
  - (e) the applicant’s history of compliance with 12  
this Act and the Environmental Protection 13  
Act, including whether the applicant holds 14  
any licences, environmental authorities or 15  
other approvals for conducting the recycling 16  
activity. 17
- (3) Also, the chief executive may consult with any 18  
expert reference group or other entity the chief 19  
executive considers suitable to provide advice in 20  
relation to financial hardship. 21
- (4) The chief executive must not grant the application 22  
unless satisfied the applicant conducted a 23  
recycling activity during the qualifying period 24  
and— 25
- (a) for a material recovery facility— 26
    - (i) the applicant’s performance history 27  
achieves as a minimum the recycling 28  
efficiency threshold; or 29
    - (ii) the strategies or practices proposed in 30  
the application to progressively 31  
improve the efficiency of the 32  
applicant’s recycling activity will 33  
enable the applicant to achieve as a 34  
minimum the recycling efficiency 35

- 
- threshold during the period of the 1  
exemption; or 2
- (b) for the Cairns Bedminster facility—the 3  
applicant will be able to achieve as a 4  
minimum the recycling efficiency threshold; 5  
or 6
- (c) for any other applicant—payment of the 7  
waste levy on the residue waste from the 8  
recycling activity would cause the applicant 9  
financial hardship to an extent that would 10  
stop its business from operating. 11
- (5) However, subsection (4)(a) does not apply for a 12  
material recovery facility if the chief executive is 13  
satisfied that— 14
- (a) it is not reasonably practical for the 15  
applicant to achieve as a minimum the 16  
recycling efficiency threshold; and 17
- (b) the strategies or practices proposed in the 18  
application to progressively improve the 19  
efficiency of the applicant’s recycling 20  
activity will enable the applicant to achieve 21  
a recycling efficiency during the period of 22  
the exemption that is as close to the 23  
recycling efficiency threshold as is 24  
reasonably practical in the circumstances. 25
- (6) A failure to make a decision within a period that 26  
is reasonable in the circumstances is taken to be a 27  
decision by the chief executive to refuse the 28  
application. 29
- (7) In this section— 30
- recycling efficiency threshold*** means— 31
- (a) for a material recovery facility—85% of the 32  
feedstock for a recycling activity is not 33  
disposed of as landfill as a result of the 34  
activity; or 35

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- (b) for the Cairns Bedminster facility—45% of the feedstock for a recycling activity is not disposed of as landfill as a result of the activity. 1  
2  
3  
4

### **313 Grant of application** 5

- (1) If the chief executive grants a transition period exempt residue waste application, the chief executive must— 6  
7  
8
  - (a) in addition to any other conditions, impose a condition on the approval either— 9  
10
    - (i) requiring the applicant maintain as a minimum a stated recycling efficiency; 11  
12  
or 13
    - (ii) limiting the amount of residue waste that will attract the discount rate in a period, including, for example, as a stated proportion of the amount of waste that is used as feedstock for the recycling activity in the period; and 14  
15  
16  
17  
18  
19
  - (b) give the applicant notice of the grant stating the following— 20  
21
    - (i) the application has been granted; 22
    - (ii) the period for which the residue waste identified in the application is approved to be exempt waste; 23  
24  
25
    - (iii) any conditions imposed on the approval, including any limits on the types and amounts of residue waste that may be disposed of as exempt waste in the period mentioned in subparagraph (ii); 26  
27  
28  
29  
30  
31
    - (iv) any conditions prescribed by regulation applying to the approval. 32  
33



- 
- (2) If the application relates to the Cairns Bedminster facility, the period mentioned in subsection (1)(b)(ii) must not be more than 3 years. 1  
2  
3
- (3) The notice must include or be accompanied by an information notice for the decision to impose a condition unless the condition is the same, or substantially the same, as a condition agreed to or asked for by the applicant. 4  
5  
6  
7  
8
- (4) The approval is subject to any conditions imposed by the chief executive and any conditions prescribed by regulation. 9  
10  
11
- (5) In this section— 12  
*recycling efficiency* means a percentage of the feedstock for a recycling activity that is not disposed of as landfill as a result of the activity. 13  
14  
15

### **314 Refusal of application** 16

If the chief executive refuses a transition period exempt residue waste application, the chief executive must give the applicant an information notice for the decision. 17  
18  
19  
20

### **315 Cancellation or amendment of approval by chief executive** 21 22

- (1) The chief executive may cancel or amend an approval that residue waste is exempt waste granted under section 312 if the chief executive considers there are reasonable grounds to cancel or amend it. 23  
24  
25  
26  
27
- (2) Without limiting subsection (1), the grounds for cancelling or amending the approval may include— 28  
29  
30
- (a) that the chief executive is satisfied there is a reasonable suspicion that the approval holder has not implemented strategies or 31  
32  
33

[s 19]

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- practices to progressively improve the efficiency of the holder's recycling activities during the period of the approval; and
- (b) that the chief executive is satisfied there is a reasonable suspicion that the application was granted because of a false or misleading representation or declaration; and
- (c) the circumstances that were relevant to the granting of the application have changed; and
- (d) that the limits or conditions of the approval have not been complied with; and
- (e) that it is desirable to cancel the approval having regard to the objects of this Act.
- (3) Before cancelling or amending the approval (the ***proposed action***), the chief executive must give notice to the holder of the approval stating the following—
- (a) the proposed action;
- (b) the grounds for taking the proposed action;
- (c) the facts and circumstances that form the basis for the grounds;
- (d) when the proposed action is intended to take effect;
- (e) that the holder may make, within a stated period, written submissions to show why the proposed action should not be taken.
- (4) The stated period for submissions must not end earlier than 21 days after the holder of the approval is given the notice.
- (5) The chief executive must consider all submissions made under subsection (3)(e).
- (6) If the chief executive decides to take the proposed action, the chief executive must, within 10

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business days after making the decision, give the holder of the approval an information notice for the decision.	1 2 3
(7) The decision takes effect when the information notice is given to the holder of the approval.	4 5
<b>316 Automatic cancellation of approval</b>	6
An approval that residue waste is exempt waste, granted under section 312, is automatically cancelled if the business of conducting the recycling activity relevant to the approval ceases to be owned by the entity granted the approval, including, for example, because ownership of the business is transferred to another entity.	7 8 9 10 11 12 13
<b>Division 2</b>	14
<b>Exemption from weighbridge requirements for particular sites until 30 June 2029</b>	15 16 17
<b>317 Application for exemption from s 57 until 30 June 2029</b>	18 19
(1) This section applies to the operator of a levyable waste disposal site in existence at the commencement for which the operator holds an environmental authority for the disposal of not more than 1,000 tonnes of waste in a year at the site.	20 21 22 23 24 25
(2) The operator may apply to the chief executive for exemption from the requirements under section 57 during the transition period.	26 27 28
(3) The application must—	29
(a) be made before 1 January 2024; and	30

[s 19]

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- (b) be in the approved form. 1
- (4) In this section— 2
- transition period* means the period starting at the 3  
beginning of 1 July 2024 and ending at the end of 4  
30 June 2029. 5
- 318 Chief executive may require additional 6  
information or documents 7**
- (1) Within 28 days after receiving an application 8  
made under section 317, the chief executive may, 9  
by notice given to the applicant, require the 10  
applicant to give the chief executive further 11  
reasonable information or documents about the 12  
application by a reasonable day stated in the 13  
notice. 14
- (2) The application is taken to be withdrawn if the 15  
applicant does not give the chief executive the 16  
further information or documents by the stated 17  
day. 18
- 319 Deciding application 19**
- (1) The chief executive must decide either to grant or 20  
to refuse an application made under section 317 21  
within a period that is reasonable in the 22  
circumstances. 23
- (2) In deciding the application, the chief executive 24  
must consider— 25
- (a) the objects of this Act; and 26
- (b) the information included in the application. 27
- (3) A failure to make a decision within a period that 28  
is reasonable in the circumstances is taken to be a 29  
decision by the chief executive to refuse the 30  
application. 31

---

<b>320 Grant of application</b>	1
(1) If the chief executive grants an application made under section 317, the chief executive must give the applicant a notice stating—	2 3 4
(a) the application has been granted; and	5
(b) any conditions imposed on the approval.	6
(2) Also, if the chief executive imposes a condition on the approval, the notice must include or be accompanied by an information notice for the decision to impose the condition.	7 8 9 10
(3) However, subsection (2) does not apply to a condition that is substantially the same as a condition agreed to or asked for by the applicant.	11 12 13
<b>321 Refusal of application</b>	14
If the chief executive refuses an application made under section 317, the chief executive must give the applicant an information notice for the decision.	15 16 17 18
<b>Division 3 Other matters</b>	19
<b>322 Exemption from using weighbridge for stated period in stated circumstances</b>	20 21
Until the end of 30 June 2020, the operator of a waste disposal site is not obliged to use a weighbridge to measure waste or other material as required under section 59 if—	22 23 24 25
(a) the operator has, before the commencement, given the chief executive written notice that it is not practicable use the weighbridge to measure and record waste or other material at the site; and	26 27 28 29 30

[s 19]

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- (b) the notice mentioned in paragraph (a) identifies the site and explains the steps the operator is taking to ensure it will be practicable to use the weighbridge to measure and record waste or other material at the site by 1 July 2020; and
- (c) the waste or other material is moved in a vehicle with a GCM or GVM of 4.5 tonnes or less; and
- (d) the operator complies with the weight measurement requirements prescribed by regulation.

**323 Volumetric survey of levyable waste disposal site to be carried out within stated period**

- (1) Between 4 February 2019 and the end of April 2019, the operator of a levyable waste disposal site in the waste levy zone must—
  - (a) ensure that a volumetric survey is carried out for—
    - (i) each active landfill cell at the site; and
    - (ii) all stockpiled waste at the site; and
  - (b) give the chief executive a copy of the results of the survey in the approved form.

Maximum penalty—200 penalty units.
- (2) The volumetric survey must be carried out in compliance with the requirements prescribed by regulation.
- (3) The results of the volumetric survey must—
  - (a) be in electronic form; and
  - (b) include a topographical plan complying with specifications advised by the chief executive; and

- 
- (c) include details of the following— 1
- (i) the area of the levyable waste disposal site; 2  
3
  - (ii) the site’s landfill capacity; 4
  - (iii) the stockpiles of waste at the site; and 5
- (d) be certified as accurate by a surveyor under the *Surveyors Act 2003*. 6  
7
- (4) After carrying out the volumetric survey under this section, the operator must ensure that a copy of the results of the survey is kept as a document in hard copy form at the levyable waste disposal site for at least 5 years after the survey is carried out. 8  
9  
10  
11  
12  
13
- Maximum penalty—200 penalty units. 14
- (5) Subsections (6) and (7) apply if the operator of a levyable waste disposal site fails to comply with subsection (1). 15  
16  
17
- (6) The chief executive may arrange for the volumetric survey to be carried out at the site and for that purpose may direct an authorised person to enter the site and carry out the survey. 18  
19  
20  
21
- (7) The chief executive may recover the cost of carrying out the volumetric survey from the operator as a debt payable by the operator to the State. 22  
23  
24  
25
- 324 Volumetric survey of resource recovery area to be carried out within stated period** 26  
27
- (1) Between 4 February 2019 and the end of April 2019, the entity having responsibility for the operation of a resource recovery area must— 28  
29  
30
- (a) ensure that a volumetric survey is carried out for all stockpiled waste at the area; and 31  
32

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- (b) give the chief executive a copy of the results of the survey in the approved form. 1  
2  
Maximum penalty—200 penalty units. 3
- (2) The volumetric survey must be carried out in compliance with the requirements prescribed by regulation. 4  
5  
6
- (3) The results of the volumetric survey must— 7
- (a) be in electronic form; and 8
- (b) include a topographical plan complying with specifications advised by the chief executive; and 9  
10  
11
- (c) include details of the following— 12
- (i) the area of the resource recovery area; 13
- (ii) the stockpiles of waste at the area; and 14
- (d) be certified as accurate by a surveyor under the *Surveyors Act 2003*. 15  
16
- (4) After carrying out the volumetric survey under this section, the entity must ensure that a copy of the results of the survey is kept as a document in hard copy form at the levyable waste disposal site for at least 5 years after the survey is carried out. 17  
18  
19  
20  
21  
Maximum penalty—200 penalty units. 22
- (5) Subsections (6) and (7) apply if an entity having responsibility for the operation of a resource recovery area fails to comply with subsection (1). 23  
24  
25
- (6) The chief executive may arrange for the volumetric survey to be carried out at the resource recovery area and for that purpose may direct an authorised person to enter the area and carry out the survey. 26  
27  
28  
29  
30
- (7) The chief executive may recover the cost of the volumetric survey from the entity as a debt payable by the entity to the State. 31  
32  
33



<b>325 Temporary relaxation from s 59 measuring requirements for small site</b>	1
	2
Until the end of 30 June 2021, the operator of a small site is not obliged to measure waste as required under section 59 if—	3
	4
	5
(a) the operator has, before the commencement, given the chief executive written notice of a proposed alternative methodology for measuring and recording waste at the site; and	6
	7
	8
	9
	10
(b) the notice mentioned in paragraph (a) identifies the site and includes details of the proposed alternative methodology; and	11
	12
	13
(c) the proposed alternative methodology enables the operator to fairly work out the total of the waste levy amount owing to the chief executive on waste delivered, or moved from stockpile to landfill, at the site; and	14
	15
	16
	17
	18
	19
(d) the operator is implementing the alternative methodology in accordance with its terms.	20
	21

<b>Clause 20</b>	<b>Amendment of schedule (Dictionary)</b>	22
(1)	Schedule, definitions <i>clean earthen material, recycling activity, reporting period, Waste and Environment Fund, waste data return and weighbridge requirement provision—omit.</i>	23
		24
		25
		26
(2)	Schedule—	27
	<i>insert—</i>	28
	<b><i>acid sulfate soil</i></b> means soil or sediment containing iron sulfides that produces sulphuric acid when exposed to air.	29
		30
		31
	<b><i>active landfill cell</i></b> see section 26.	32
	<b><i>bad debt credit</i></b> , for chapter 3, see section 72K(1).	33

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<i>bad debt credit application</i> , for chapter 3, see section 26.	1 2
<i>clean earth</i> means earth that is not contaminated with waste or otherwise contaminated with a hazardous contaminant, and is not acid sulfate soil.	3 4 5 6
<i>disaster</i> , for chapter 3, see section 26.	7
<i>disaster management waste</i> , for chapter 3, see section 26.	8 9
<i>disaster situation</i> , for chapter 3, see section 26.	10
<i>discounted rate</i> , for the waste levy for residue waste, see section 44(4).	11 12
<i>dredge spoil</i> , for chapter 3, see section 26.	13
<i>due date for payment</i> , of a waste levy amount, for chapter 3, see section 26.	14 15
<i>earth</i> means natural materials such as clay, gravel, sand, soil and rock.	16 17
<i>exempt waste</i> see section 26.	18
<i>exempt waste application</i> , for chapter 3, see section 26.	19 20
<i>feedstock</i> , for a recycling activity, for chapter 3, see section 26.	21 22
<i>friable asbestos-containing material</i> , for chapter 3, see section 26.	23 24
<i>hazardous contaminant</i> see the Environmental Protection Act, schedule 4.	25 26
<i>lawfully managed and transported</i> , for asbestos or waste containing asbestos, for chapter 3, see section 26.	27 28 29
<i>levyable waste</i> , for chapter 3, see section 26.	30
<i>levyable waste disposal site</i> see section 26.	31
<i>levy period</i> , for chapter 3, see section 26.	32

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<i>monitoring system</i> , for chapter 3, see section 62.	1
<i>non-friable asbestos-containing material</i> , for chapter 3, see section 26.	2 3
<i>non-levy zone</i> see section 26.	4
<i>progressive capping</i> , for chapter 3, see section 26.	5
<i>recycling activity</i> includes—	6
(a) re-using waste resources; and	7
(b) recycling waste resources to make the same or different products; and	8 9
(c) recovering waste resources, including extracting energy from those resources.	10 11
<i>recycling efficiency threshold</i> means the percentage of feedstock used for a recycling activity that is not disposed of as landfill as a result of the activity.	12 13 14 15
<i>residue waste</i> see section 26.	16
<i>residue waste discounting application</i> , for chapter 3, see section 44(1).	17 18
<i>resource recovery area</i> see section 72R.	19
<i>section 325 small site</i> , for chapter 3, see section 26.	20 21
<i>small site</i> see section 26.	22
<i>waste data return</i> , for chapter 3, see section 72(1).	23 24
<i>waste levy</i> see section 36.	25
<i>waste levy amount</i> see section 26.	26
<i>waste levy instalment agreement</i> , for chapter 3, see section 72B(1).	27 28
<i>waste levy zone</i> see section 26.	29
<i>weight measurement criteria</i> , for chapter 3, see section 26.	30 31



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<b>280 Limited power to amend utility charge for commercial properties</b>	1
	2
Despite section 96 and the <i>City of Brisbane Regulation 2012</i> , section 162, the council may by resolution do both of the following only once between the commencement and the end of 30 June 2019—	3
	4
	5
	6
	7
(a) decide to amend a utility charge for waste management provided to commercial properties;	8
	9
	10
(b) amend its budget for the financial year ending on 30 June 2019 to comply with the amended utility charge.	11
	12
	13

<b>Part 4</b>	<b>Amendment of Local Government Act 2009</b>	14
		15

<b>Clause 23</b>	<b>Act amended</b>	16
	This part amends the <i>Local Government Act 2009</i> .	17

<b>Clause 24</b>	<b>Insertion of new ch 9, pt 14</b>	18
	Chapter 9—	19
	<i>insert</i> —	20

<b>Part 14</b>	<b>Transitional provision for Waste Reduction and Recycling (Waste Levy) and Other Legislation Amendment Act 2018</b>	21
		22
		23
		24
		25
		26

[s 24]

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<b>328 Limited power to amend utility charge for commercial properties</b>	1
	2
Despite section 94 and the <i>Local Government Regulation 2012</i> , section 170, a local government	3
may by resolution do both of the following only	4
once between the commencement and the end of	5
30 June 2019—	6
	7
(a) decide to amend a utility charge for waste	8
management provided to commercial	9
properties;	10
(b) amend its budget for the financial year	11
ending on 30 June 2019 to comply with the	12
amended utility charge.	13

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