

Queensland



Environmental Protection Act 1994

ENVIRONMENTAL PROTECTION (WASTE MANAGEMENT) POLICY 2000

**Reprinted as in force on 24 April 2003
(includes commenced amendments up to 2003 SL No. 73)**

Reprint No. 2A

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Information about this reprint

This policy is reprinted as at 24 April 2003. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

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[as amended by all amendments that commenced on or before 24 April 2003]

PART 1—PRELIMINARY

1 Short title

This environmental protection policy may be cited as the *Environmental Protection (Waste Management) Policy 2000*.

2 Commencement

This policy commences on 1 July 2000.

3 Definitions

The dictionary in schedule 2 defines particular words used in this policy.

PART 2—APPLICATION AND OBJECT

4 Application of policy

This policy applies to the environment generally.

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5 Object of policy

The object of this policy is to achieve the object of the Act in relation to waste management.¹

6 How object is achieved

To achieve the object, this policy—

- (a) identifies environmental values to be enhanced or protected; and
- (b) provides a framework for the administering authority to make consistent and fair decisions that—
 - (i) ensure waste is managed in a way that is consistent with ecologically sustainable development; and
 - (ii) minimise the impact of waste on the environment including, in particular, the impact of waste so far as it directly affects human health; and
 - (iii) minimise the amount of waste generated from all sources; and
 - (iv) promote efficiency in the use of resources; and
 - (v) promote the maximum use of wastes as a resource; and
 - (vi) otherwise achieve continuous improvement in the standard of waste management activities; and
- (c) provides for the preparation of waste management programs to—
 - (i) minimise the amount of waste generated; and
 - (ii) promote efficiency in the use of resources; and
- (d) provides for the preparation of industry waste reduction programs; and
- (e) provides for government planning for waste management.

¹ Under section 3 of the Act, the object of the Act is to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (“**ecologically sustainable development**”).

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7 Environmental values to be enhanced or protected

The environmental values to be enhanced or protected under this policy are—

- (a) the life, health and wellbeing of people; and
- (b) the diversity of ecological processes and associated ecosystems; and
- (c) land use capability, having regard to economic considerations.

PART 3—WASTE MANAGEMENT HIERARCHY AND PRINCIPLES

Division 1—Preliminary

8 Introduction

(1) This part explains—

- (a) the waste management hierarchy; and
- (b) some other principles for managing waste in a way that best achieves the object of the Act.

(2) The hierarchy and principles are relevant to—

- (a) the making of certain environmental management decisions concerning waste; and
- (b) the preparation of a waste management program as a condition of an environmental authority; and
- (c) the preparation of an industry waste reduction program; and
- (d) government waste management planning.

9 Exceptions to application of hierarchy and principles

(1) The waste management hierarchy does not apply to a person who, because of environmental, technological, economic or social considerations, adopts the practices in an order different from their order in

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the hierarchy, or adopts other waste management practices, in a way that does not cause more environmental harm or give rise to a greater risk of environmental harm.

(2) The product stewardship principle does not apply to a person—

- (a) in relation to a matter to which the Packaging NEPM applies; or
- (b) if the person is a signatory to the National Packaging Covenant—in relation to a matter to which the covenant applies.

(3) In this section—

“Packaging NEPM” means the National Environmental Protection (Used Packaging Material) Measure made by the National Environment Protection Council, on 2 July 1999, under the *National Environment Protection Council Act 1994* (Cwlth).

Division 2—Hierarchy and principles

10 Waste management hierarchy

(1) The following are some types of waste management practices, listed in the preferred order of adoption (the **“waste management hierarchy”**)—

- waste avoidance
- waste re-use
- waste recycling
- energy recovery from waste
- waste disposal.

(2) The waste management hierarchy is a framework for prioritising waste management practices to achieve the best environmental outcome.

(3) The types of practices listed in the waste management hierarchy are explained in schedule 1.

11 Polluter pays principle

(1) The “**polluter pays principle**” is the principle that all costs associated with the management of waste should, if practicable, be borne by the persons who generated the waste.

(2) The costs associated with the management of waste may include the costs of—

- (a) minimising the amount of waste generated; and
- (b) containing, treating and disposing of waste; and
- (c) rectifying environmental harm caused by waste.

12 User pays principle

(1) The “**user pays principle**” is the principle that all costs associated with the use of a resource should, if practicable, be included in the prices of the goods and services (including government services) that result from the use.

Example—

By using land for a landfill, a person is using a resource. Under the user pays principle, the prices for disposing of waste to the landfill should include the full costs associated with using the land for a landfill. These costs may include, for example, the costs of buying the land and constructing the landfill, and the opportunity cost of using the land as a landfill.

(2) In deciding what are the costs associated with the use of a resource, an amount received from a government as a subsidy, incentive payment, grant or similar payment, that would otherwise reduce the costs, must be disregarded.

13 Product stewardship principle

The “**product stewardship principle**” is the principle that—

- (a) the producer of a product should plan its design and production to minimise the environmental harm that may be caused by waste generated from the production, proper use or disposal of the product; and

- (b) the importer of a product should take all reasonable steps to minimise the environmental harm that may be caused by waste generated from the importation, proper use or disposal of the product.

PART 4—ENVIRONMENTAL MANAGEMENT DECISIONS CONCERNING WASTE

14 Decisions to which this part applies

(1) This part applies to the administering authority when it is deciding—

- (a) whether to grant or refuse an application for a licence (without development approval) or level 1 approval (without development approval); or
- (b) what should be the conditions of a licence (without development approval) or level 1 approval (without development approval); or
- (c) whether to approve or refuse to approve a draft environmental management program; or
- (d) what should be the conditions of the approval of a draft environmental management program.

(2) Also, to the extent required by section 78² of the Act, this part applies to the administering authority when it is assessing an application for a development approval mentioned in section 77³ of the Act.

15 Generating waste

(1) If waste is, or may be, generated under the authority, program or approval, the administering authority—

- (a) must consider the following issues—
 - (i) segregation of the waste;

2 Section 78 (Assessing development applications) of the Act

3 Section 77 (Application of div 2) of the Act

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- (ii) emission controls;
- (iii) storage of the waste;
- (iv) monitoring and reporting of matters concerning the waste;
and
- (b) must have regard to any cleaner production program prepared to address the waste generation; and
- (c) must have regard to the application of the waste management hierarchy and principles to management of the waste; and
- (d) must have regard to any waste management strategic plan in force for the local government area in which the waste is, or may be, generated or dealt with.

(2) In this section—

“cleaner production program” means a program to identify and implement ways of improving a production process so that the process—

- (a) uses less energy, water or another input; or
- (b) generates less waste; or
- (c) generates waste that is less environmentally harmful.

16 Transporting waste

If waste is, or may be, transported under the authority, program or approval, the administering authority must consider the following issues—

- (a) the type of waste;
- (b) the vehicles, storage tanks, containers and other equipment used for the transportation;
- (c) sampling of the waste;
- (d) monitoring and reporting of matters concerning the waste;
- (e) emergency response planning;
- (f) keeping of records about the transportation.

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17 Receiving waste

If waste is, or may be, received under the authority, program or approval, the administering authority—

- (a) must consider the following issues—
 - (i) the type of waste;
 - (ii) segregation of the waste;
 - (iii) storage of the waste;
 - (iv) monitoring and reporting of matters concerning the waste;
 - (v) emergency response planning;
 - (vi) keeping of records about the receipt of the waste; and
- (b) must have regard to the application of the waste management hierarchy and principles to management of the waste; and
- (c) must have regard to any waste management strategic plan in force for the local government area in which the waste is, or may be, received or dealt with.

PART 5—WASTE MANAGEMENT PROGRAMS

18 Definitions for pt 5

In this part—

“authorised activity”, in relation to an environmental authority, means an activity carried out under the authority.

“holder”, of an environmental authority, includes an applicant for the authority.

19 Program may be required as a condition of an environmental authority

(1) The administering authority may impose a condition on a licence (without development approval) or level 1 approval (without development approval) requiring the holder to prepare a waste management program for the authorised activities.

(2) The condition must allow a reasonable time to prepare the program.

(3) The condition may include provision for other matters concerning the program including, for example, provision for any of the following—

(a) particular matters to be included in the program;

Examples of matters that may be required to be included in the program—

- a description of the authorised activities that may generate waste
- the types and amounts of waste that may be generated by the authorised activities
- how the waste will be dealt with, including a description of the types and amounts of waste that will be dealt with under each of the waste management practices mentioned in the waste management hierarchy
- procedures for identifying and implementing opportunities to minimise the amount of waste generated, promote efficiency in the use of resources, and otherwise improve the waste management practices employed
- procedures for dealing with accidents, spills and other incidents that may impact on the waste management
- details of any accredited management system employed, or planned to be employed, to deal with the waste
- how often the performance of the waste management practices will be assessed
- the indicators or other criteria on which the performance of the waste management practices will be assessed
- staff training on matters relevant to waste management.

(b) reviewing the program at stated times;

(c) submitting copies of the program to the administering authority at stated times;

(d) reporting to the administering authority on the holder's waste management under the program.

20 Decision about requirement to prepare a program

(1) This section applies to the administering authority in deciding whether to impose a condition requiring preparation of a waste management program and, if the condition is imposed, the terms of the condition.

(2) The administering authority must consider the following matters concerning the waste generated, or likely to be generated, by the authorised activities—

- (a) the types and amounts of the waste;
- (b) the likely impact of the waste on the environment;
- (c) the hazardous characteristics of the waste;
- (d) how the holder proposes to deal with the waste, including, in particular—
 - (i) the amount of the waste that the holder proposes to dispose of to a landfill; and
 - (ii) the amount of the waste that the holder proposes to deal with in other ways mentioned in the waste management hierarchy.

21 Matters to consider when preparing a program

When preparing a waste management program under a condition of an environmental authority, the holder of the authority must have regard to the waste management hierarchy and principles and any waste management strategic plan in force for the local government area in which the authorised activities are carried out.

PART 6—INDUSTRY WASTE REDUCTION PROGRAMS

22 Purpose of program

The purpose of an industry waste reduction program for an industry is—

- (a) to minimise the amount of waste generated in Queensland by the industry; and

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- (b) to encourage an efficient and cost effective approach to waste reduction by the industry; and
- (c) to encourage greater responsibility by the industry for waste reduction.

23 Who may prepare an industry waste reduction program

(1) An industry member, or an entity acting on behalf of industry members, may prepare an industry waste reduction program for the industry.

(2) An industry waste reduction program must—

- (a) state the industry members who are parties to the program; and
- (b) state how the industry members are to apply the program; and
- (c) include a description of the activities carried out by the industry members that generate waste; and
- (d) include a description of the raw materials, energy and other materials used to carry out the activities; and
- (e) state the types and amounts of waste generated by the activities; and
- (f) state how the waste is dealt with, including a description of the types and amounts of waste dealt with under each of the waste management practices mentioned in the waste management hierarchy; and
- (g) identify opportunities and action to be taken by the industry members in the areas of product design, production and packaging to reduce waste; and
- (h) include any of the following that are relevant—
 - (i) procedures for identifying and implementing opportunities to improve the waste management practices used;
 - (ii) procedures for dealing with accidents, spills and other incidents that may impact on waste management;
 - (iii) details of any accredited management system used to deal with the waste;

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- (iv) the indicators or other criteria on which the performance of the program is assessed;
- (v) how often the performance of the program is assessed;
- (vi) staff training on matters relevant to waste management; and
- (i) include the administrative, funding and implementation arrangements for the program.

24 Matters to consider when preparing a program

When preparing an industry waste reduction program, the industry member, or entity acting on behalf of the industry members, must have regard to the waste management hierarchy and principles.

PART 7—WASTE MANAGEMENT STRATEGIC PLANNING BY GOVERNMENTS

Division 1—Local governments

25 Object of division

The object of this division is to provide for local governments to prepare and implement plans for managing waste, in their local government areas, in ways that best achieve the object of the Act.

26 Plan must be prepared and implemented

A local government must prepare and adopt a waste management strategic plan for its area, and start to implement the plan—

- (a) within 3 years after this policy commences; and
- (b) as soon as practicable after the repeal or expiry of any plan it has previously adopted under this division.

27 Cooperative plans

(1) Two or more local governments may prepare and adopt 1 plan (a “**cooperative plan**”) that applies to all of their areas.

(2) This division applies to a cooperative plan as if—

- (a) a reference to a local government were a reference to all the local governments adopting the plan; and
- (b) a reference to a local government’s area were a reference to all the areas covered by the plan.

28 Matters to consider when preparing a plan

In preparing its plan, a local government must have regard to—

- (a) current and predicted information about the following matters relating to its area—
 - (i) population profiles;
 - (ii) residential, industrial and commercial development;
 - (iii) waste generation types and amounts; and
- (b) the services, markets and facilities relevant to dealing with different types and amounts of waste; and
- (c) the waste management hierarchy and principles.

29 Review of plan

A local government must review its plan at least every 5 years.

30 Amendment of plan

A local government may amend its plan if it considers the amendment to be appropriate, having regard to—

- (a) changing waste management opportunities; and
- (b) changing circumstances in which the plan operates; and
- (c) other matters arising from a review of the plan under section 29; and
- (d) anything else the local government considers relevant.

31 Public consultation

A local government must undertake appropriate consultation with the public in its area, and any other appropriate entities, before finalising and adopting a plan or a significant amendment of its plan.

32 Copy of plan and amendments given to chief executive

Immediately after adopting a plan or an amendment of its plan, a local government must give the chief executive a copy of the plan or amendment.

33 Inspection of plan

A local government must ensure that, once it has adopted a plan—

- (a) the plan may be inspected free of charge, during office hours, at the local government's public office; and
- (b) copies of the plan may be purchased from the local government for a reasonable fee.

34 Annual report

(1) At the end of each year of operation of its plan, a local government must give the chief executive a report about its waste management under the plan.

(2) The matters addressed in the report for a year must include the following—

- (a) details of any recycling programs conducted or managed by the local government during the year, including—
 - (i) the amounts and types of waste recycled under the programs; and
 - (ii) the names and addresses of the facilities used in the programs;
- (b) the amounts and types of waste converted to useable energy during the year in waste to energy plants operated by the local government;
- (c) details of landfills operated by the local government during the year, including—

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- (i) the amounts and types of waste disposed of during the year to the landfills; and
- (ii) the name, address, capacity and life expectancy of each landfill that started operation during the year; and
- (iii) the name, address and capacity of each landfill that ceased operation during the year.

(3) The matters mentioned in subsection (2) must be addressed in relation to waste generated within or outside the local government's area.

Division 2—State government departments

35 Object of division

The object of this division is to provide for the chief executive of each department to prepare and implement a plan for managing the department's waste in a way that best achieves the object of the Act.

36 Plan must be prepared and implemented

The chief executive of a department must prepare a strategic plan for managing the department's waste, and ensure the department starts to implement the plan—

- (a) within 2 years after this policy commences; and
- (b) as soon as practicable after the repeal or expiry of any plan the chief executive has previously prepared under this division.

37 Matters to consider when preparing a plan

In preparing a department's plan, the chief executive of the department must have regard to—

- (a) the current and predicted types and amounts of the department's waste; and
- (b) the waste management hierarchy and principles.

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38 Review of plan

The chief executive of a department must review the department's plan at least every 5 years.

39 Amendment of plan

The chief executive of a department may amend the department's plan if the chief executive considers the amendment to be appropriate, having regard to—

- (a) changing waste management opportunities; and
- (b) changing circumstances in which the plan operates; and
- (c) other matters arising from a review of the plan under section 38; and
- (d) anything else the chief executive considers relevant.

40 Annual report to address waste management

(1) A department's annual report for a financial year under the *Financial Administration and Audit Act 1977* must include a report on the department's waste management under its plan.

(2) Subsection (1) does not apply to a department for a financial year before the financial year in which the department's first plan is prepared.

PART 8—MISCELLANEOUS

41 Transitional—first annual report about local government waste management

(1) This section applies to a local government's first waste management strategic plan prepared and adopted under part 7, division 1.

(2) Despite section 34(1), a local government may give its first report at the end of the second year of the plan's operation, addressing the matters specified in section 34(2) for the first 2 years of operation.

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42 Review of policy

(1) In preparing a report under section 36(2)⁴ of the Act, the chief executive must assess this policy's environmental effectiveness and economic efficiency using measurable performance indicators.

(2) The performance indicators—

- (a) must include the following information for each year for which this policy is in force—
 - (i) the amounts and types of waste dealt with under each of the waste management practices mentioned in the waste management hierarchy; and
 - (ii) the amount of regulated waste generated; and
- (b) may include a performance indicator established by the Australian and New Zealand Environment and Conservation Council ANZECC.

4 Section 36 (Review of policies) of the Act

SCHEDULE 1

WASTE MANAGEMENT HIERARCHY

section 10(3)

1. Waste avoidance

Preventing the generation of waste or reducing the amount of waste generated.

Examples of practices for achieving waste avoidance—

- input substitution
- increased efficiency in the use of raw materials, energy, water or land
- process redesign
- product redesign
- improved maintenance and operation of equipment
- closed-loop recycling.

2. Waste re-use

Re-using waste, without first substantially changing its form.

Examples—

- recovering solvents, metals, oil, or components or contaminants from catalysts and re-using them for a secondary purpose
- applying waste to land in a way that gives agricultural and ecological benefits
- substituting waste for virgin material in a production process.

3. Waste recycling

Treating waste that is no longer useable in its present form and using it to produce new products.

SCHEDULE 1 (continued)

4. Energy recovery from waste

Recovering and using energy generated from waste.

Example—

Burning waste, using the heat to heat water and using the hot water in an industrial process.

5. Waste disposal

Disposing of waste, or treating and disposing of waste, in a way that causes the least harm to the environment.

Examples of treatment before disposal—

- employing a biotreatment to degrade material into a compound or mixture
- employing a physico-chemical treatment (for example, evaporation, drying, calcination, catalytic processing, neutralisation, precipitation or encapsulation) to obtain a compound or mixture
- blending or mixing waste to obtain a compound or mixture
- storing or repackaging waste
- employing thermal processes, with or without catalysts, to convert waste into a non-hazardous material.

Examples of disposal—

- disposal to a landfill
- destroying thermally without recovering heat or another secondary product.

SCHEDULE 2

DICTIONARY

section 3

“accredited management system” means a management system—

- (a) that includes provision for managing waste; and
- (b) that has been approved or accredited—
 - (i) by the Commonwealth or the State; or
 - (ii) under a law or Australian Standard.

“ANZECC” means the Australian and New Zealand Environment and Conservation Council.

“biotreatment” means a treatment using micro-organisms.

“closed-loop recycling” means reclaiming, from a production process, a material that would otherwise be disposed of as waste and using it as an input in the same production process.

“department’s waste”, for a department, means the waste generated in carrying out the department’s functions.

“National Packaging Covenant” means the National Packaging Covenant, between the State and other entities, approved by ANZECC on 2 July 1999.

“regulated waste” has the meaning given by the *Environmental Protection Regulation 1998*.

“useable energy” means energy that may be beneficially used.

“waste management hierarchy” see section 10.

SCHEDULE 2 (continued)

“waste management principles” means the principles stated in sections 11 to 13.⁵

“waste to energy plant” means a plant in which useable energy is generated from waste.

5 Sections 11 (Polluter pays principle), 12 (User pays principle) and 13 (Product stewardship principle)

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 24 April 2003. Future amendments of the Environmental Protection (Waste Management) Policy 2000 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

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4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	1 July 2000	27 July 2000
2	to 1994 Act No. 62	1 January 2001	1 January 2001 (Column discontinued) Notes
2A	to 2003 SL No. 73	24 April 2003	

5 List of legislation

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made by the Governor in Council on 29 June 2000
notfd gaz 30 June 2000 pp 736–48
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2000 (see s 2)
exp 1 September 2010 (see SIA s 54)
Note—An explanatory note was prepared
amending legislation—

Environmental Protection Act 1994 No. 62 ss 1–2, 616(2) (as ins 2000 No. 64 s 52)

date of assent 1 December 1994
ss 1–2 commenced on date of assent
remaining provision commenced 1 January 2001

Environmental Protection Policies Amendment Policy (No. 1) 2003 SL No. 73 ss 1, 4 sch

notfd gaz 24 April 2003 pp 1436–7
commenced on date of notification

6 List of annotations

Decisions to which this part applies

s 14 amd 2003 SL No. 73

Review of policy

s 42 amd 1994 Act No. 62 s 616(2) (as ins 2000 No. 64 s 52)

SCHEDULE 2—DICTIONARY

def “**accredited management**” amd 2003 SL No. 73

def “**Australian standard**” om 2003 SL No. 73