



Queensland

Environmental Protection Act 1994

Environmental Protection (Waste Management) Regulation 2000

Reprinted as in force on 1 July 2009

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Also see endnotes for information about—

- **when provisions commenced**
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Queensland

Environmental Protection (Waste Management) Regulation 2000

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Environmental Protection (Waste Management) Regulation 2000

[as amended by all amendments that commenced on or before 1 July 2009]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Environmental Protection (Waste Management) Regulation 2000*.

2 Commencement

- (1) Part 4, division 3, subdivision 1 commences on 1 July 2001.
- (2) Section 64 commences on 1 January 2002.
- (3) Section 65 commences on 1 January 2008.
- (4) Section 69 commences on 1 July 2001.
- (5) The remaining provisions of this regulation commence on 1 July 2000.

3 Definitions

The dictionary in schedule 9 defines particular words used in this regulation.

4 Object of this regulation

The object of this regulation is to protect the environment by—

- (a) minimising the impact of waste on the environment including, in particular, the impact of waste so far as it directly affects human health; and

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- (b) establishing an integrated framework for minimising and managing waste under the principles of ecologically sustainable development.

5 Application in relation to sewerage and stormwater drainage

This regulation does not apply to the release of a contaminant to any of the following—

- (a) a sewerage system or stormwater installation within the meanings given by the *Plumbing and Drainage Act 2002*, schedule;
- (b) a local government's stormwater drainage, within the meaning given by the *Local Government Act 1993*, schedule.

Part 2A Waste management in local government areas

Division 1 Preliminary

10A References to local government

In this part, a reference to a local government in the context of dealing with waste produced at premises, is a reference to the local government for the local government area in which the premises is situated.

10B Meaning of *serviced premises*

Premises in a local government area are *serviced premises* if—

- (a) the premises are in an area designated by the local government as an area in relation to which the local

government has arranged for removal of general waste from premises in the area; or

- (b) the local government has required the owner or occupier of the premises to arrange for removal of general waste from the premises.

Division 2 General waste

Subdivision 1 Storage of general waste

10C Owner or occupier of premises to supply waste containers

- (1) The owner or occupier of premises in a local government area must—
 - (a) subject to subsection (2), supply enough standard general waste containers at the premises to contain the general waste produced at the premises; or
 - (b) if required by the local government, supply at the premises, enough waste containers, other than standard general waste containers, to contain the general waste produced at the premises.

Maximum penalty—40 penalty units.

- (2) The local government may supply to premises in the local government's area the number of standard general waste containers it reasonably considers is required at the premises under subsection (1)(a).
- (3) If a local government supplies a standard general waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the owner or occupier of the premises to the local government.
- (4) However, subsection (3) does not prevent a local government from supplying a standard general waste container to premises without cost to the owner or occupier of the premises.

[s 10D]

10D Requirements for storing general waste in waste containers

- (1) The occupier of premises must—
- (a) store general waste at the premises in a standard general waste container or, if required by the local government, another type of waste container; and
 - (b) keep each waste container at the premises clean and in good repair; and
 - (c) ensure that each waste container at the premises is securely covered, except when the waste is being placed in, or removed from, the container.

Maximum penalty—40 penalty units.

- (2) A person must not—
- (a) place any of the following in a waste container—
 - (i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container;
 - (ii) material that is smouldering or aflame;
 - (iii) matter or a thing that is alive; or
 - (b) remove or disturb the cover of a waste container, except when placing waste in the container; or
 - (c) use or damage a waste container so that it is not weatherproof or serviceable or can not be securely covered; or
 - (d) disturb or otherwise interfere with the contents of a waste container.

Maximum penalty—40 penalty units.

- (3) The occupier of the premises must not allow a person to place a thing in a waste container at the premises in contravention of subsection (2)(a).

Maximum penalty—40 penalty units.

-
- (4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

10E General requirements for keeping waste containers at serviced premises

- (1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—
- (a) if the local government requires the container to be kept at a particular place at the premises, at the place; or
 - (b) otherwise, at ground level close to the rear alignment of a building at the premises.

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not prevent the occupier of the premises from placing a waste container in a place (a *designated location*) outside the premises for the collection of general waste from the container, if—
- (a) the local government or an approved waste removal entity has arranged to collect waste from the container at the designated location; and
 - (b) the container is in the designated location for no longer than—
 - (i) the period, if any, allowed under a local law of the local government; or
 - (ii) is otherwise reasonably appropriate before and after the collection.

Example of a designated location outside premises—

the kerb adjacent to the premises

- (3) If a local government or an approved waste removal entity has arranged for the collection of general waste from a waste container at premises, the occupier of the premises must

[s 10F]

ensure there is unobstructed access to the container for removal of the waste.

Maximum penalty for subsection (3)—40 penalty units.

10F Other requirements for storing general waste at particular serviced premises

- (1) This section applies to any of the following persons (each a *prescribed person*) for serviced premises, other than a single detached dwelling—
 - (a) the owner or occupier of the premises;
 - (b) the registered operator for a chapter 4 activity carried out at the premises;
 - (c) the environmental authority holder for a mining activity or petroleum activity carried out at the premises.
- (2) The prescribed person must, if required by the local government, ensure each of the following is supplied at the premises—
 - (a) either—
 - (i) an elevated stand at a level required by the local government for holding all waste containers at the premises; or
 - (ii) an imperviously paved area, drained as required by the local government, upon which can be stood all waste containers at the premises;
 - (b) a suitable hose cock and hose in the vicinity of the stand or paved area;
 - (c) a suitable enclosure for the area where the waste containers are kept.

Maximum penalty—40 penalty units.

Subdivision 2 Removal of general waste

10G Requirements for removal of general waste

- (1) This section applies to a local government if—
 - (a) the local government has arranged for the removal of general waste from premises; or
 - (b) an approved waste removal entity has arranged for the removal of general waste from premises under an approval from the local government under section 369A of the Act.
- (2) The local government must ensure that a service is provided for removing the waste—
 - (a) if the waste is domestic or commercial waste—at least once in each week; or
 - (b) if the waste is recyclable waste for the local government area—as often as is required by the local government.
- (3) Also, the local government must ensure that the waste is removed—
 - (a) in a way that does not cause excessive noise; and
 - (b) with reasonable care to prevent spilling the waste.
- (4) In this section—

removal, of waste, includes collecting, transporting and disposing of the waste.

10H Local government may give notice about removal of general waste

- (1) This section applies to a local government that has arranged for the removal of general waste produced at a premises.
- (2) The local government may give the occupier of the premises a notice stating—
 - (a) the days on which the waste is to be collected; and

[s 10I]

- (b) where the waste container is to be placed for collection of the waste (the *designated location*); and
- (c) the time by which the waste container is to be placed in the designated location for collection of the waste.

10I Depositing or disposal of general waste from premises other than serviced premises

- (1) This section applies if general waste is produced at a premises, other than—
 - (a) serviced premises; or
 - (b) premises from which an approved waste removal entity has arranged for removal of the waste.
- (2) The local government may—
 - (a) give a written approval to the owner or occupier of the premises for depositing or disposing of the waste; and
 - (b) impose conditions on the approval, including, for example, conditions about—
 - (i) the place for depositing or disposing of the waste; or
 - (ii) the method of depositing or disposing of the waste.
- (3) A person must not deposit or dispose of the waste unless the person deposits or disposes of the waste—
 - (a) at a waste facility in accordance with part 3; or
 - (b) in accordance with—
 - (i) an approval under subsection (2) for disposal of the waste; and
 - (ii) if the approval has been given on conditions, the conditions of the approval.

Maximum penalty for subsection (3)—40 penalty units.

Division 3 Storage and treatment of industrial waste

10J Requirements for storing industrial waste

- (1) The occupier of premises where there is industrial waste must, if required by the local government—
 - (a) supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing a nuisance; and
 - (b) keep the waste containers at the particular place at the premises required by the local government; and
 - (c) keep each waste container clean and in good repair.

Maximum penalty—40 penalty units.

- (2) If the occupier does not supply at the premises the number of industrial waste containers required by the local government for subsection (1)(a), the local government may supply industrial waste containers at the premises.
- (3) If a local government supplies a waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.
- (4) In this section—

industrial waste container, required by a local government, means a waste container of a type approved by the local government for storing industrial waste at premises within the local government's area.

10K Requirement to treat industrial waste for disposal

The occupier of premises where there is industrial waste must, if required by the local government, treat the waste to a

[s 10L]

standard approved by the local government for disposal of the waste at a waste facility.

Maximum penalty—40 penalty units.

Division 4 Storage and disposal of nightsoil

10L Nightsoil to be stored in a sanitary convenience

The owner or occupier of any premises must not allow nightsoil to remain at the premises other than in a sanitary convenience that—

- (a) the owner or occupier is allowed to construct or use at the premises under this division; and
- (b) complies with the requirements for the sanitary convenience for this division.

Maximum penalty—20 penalty units.

10M Cesspits etc. not to be constructed or used at particular premises

- (1) This section applies to the owner or occupier of—
 - (a) serviced sanitary premises; or
 - (b) premises in which a sanitary convenience is connected, or is required under a law of the State to be connected, to a sewer or septic tank.
- (2) The owner or occupier of the premises must not—
 - (a) construct or use a cesspit or cesspool at the premises; or
 - (b) allow a cesspit or cesspool to be constructed or used at the premises.

Maximum penalty—20 penalty units.

- (3) If the owner or occupier contravenes subsection (2), the local government may give the owner or occupier a written notice requiring the owner or occupier to fill the cesspit or cesspool

with earth and remove any structure on or near the cesspit or cesspool within the period stated in the notice.

10N Requirements for placing, constructing or altering a prescribed sanitary convenience

- (1) The owner or occupier of serviced sanitary premises must not place, construct or alter a prescribed sanitary convenience at the premises or allow a prescribed sanitary convenience at the premises to be placed, constructed or altered, unless—
 - (a) the local government has given the owner or occupier a written approval (a *sanitary convenience approval*) for placing, constructing or altering the sanitary convenience; and
 - (b) the sanitary convenience is placed, constructed or altered in compliance with the approval, including the conditions, if any, imposed by the local government on the approval; and
 - (c) the sanitary convenience is placed in compliance with subsection (2) and constructed or altered in compliance with subsections (3) and (4).

Maximum penalty—20 penalty units.

- (2) The prescribed sanitary convenience must be placed—
 - (a) at least 5m away from a road; and
 - (b) at least 5m away from a building, unless allowed under the sanitary convenience approval; and
 - (c) where it is unlikely to cause contamination of water intended for human consumption or use; and
 - (d) where nightsoil can be collected from the sanitary convenience and removed from the premises without being taken through a building.
- (3) The prescribed sanitary convenience must be constructed or altered in compliance with—

[s 100]

- (a) for a prescribed sanitary convenience that is a chemical, composting or incinerating toilet—the relevant design rules stated in schedule 8, part 2; or
 - (b) for another type of prescribed sanitary convenience—each of the requirements under schedule 8A, subject to the sanitary convenience complying with the sanitary convenience approval.
- (4) If the sanitary convenience approval authorises placement of the prescribed sanitary convenience under or within a building, the sanitary convenience must have—
- (a) no fewer than 3 external walls; and
 - (b) adequate cross ventilation consisting of openings or equivalent devices, each of which must be protected by fly-proof wire gauze and provide a free opening of at least 220cm² to the external air.

100 Disposal of nightsoil from premises not otherwise serviced

- (1) This section applies to the owner or occupier of premises if—
- (a) no sanitary convenience at the premises is connected, or is required under a law of the State to be connected, to a sewer or septic tank; and
 - (b) the local government or an approved waste removal entity has not arranged for removal of nightsoil from the premises.
- (2) The owner or occupier of the premises must ensure that—
- (a) nightsoil deposited at the premises is buried at least once a week in a trench in an isolated place at the premises where it is not likely to cause contamination of any water intended for human consumption or use; and
 - (b) if the local government requires the owner or occupier to bury the nightsoil in a particular place, the nightsoil is buried at the place; and
 - (c) the trench used for burying the nightsoil—

- (i) does not have a floor of rock or wet earth; and
- (ii) is not more than 600mm deep, 600mm wide or 3m long; and
- (d) the surface of the nightsoil deposited in the trench is not less than 150mm below the edge of the trench; and
- (e) immediately after the nightsoil is deposited in the trench—
 - (i) each receptacle from which the nightsoil has been emptied is cleaned with water and the water is emptied into the trench; and
 - (ii) the trench is filled so that the nightsoil is covered evenly with a layer of clean earth at least 250mm deep.

Maximum penalty—20 penalty units.

Division 5 Compliance notices

10P Authorised person may give notice to comply

- (1) If an authorised person believes on reasonable grounds that a person (an *affected person*) has contravened this part, the authorised person may give the affected person a written notice under subsection (2).
- (2) The notice must state—
 - (a) the act or omission comprising the contravention; and
 - (b) the action the affected person must take to rectify the alleged contravention; and
 - (c) the day by which the affected person must take the action.
- (3) The stated day must be at least 28 days after the notice is given.

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- (4) If the affected person is given a notice under subsection (1), the person must comply with the notice unless the person has a reasonable excuse for not complying with it.

Maximum penalty—10 penalty units.

- (5) If a person is given a notice under subsection (1) in relation to an alleged contravention of this part, the person can be prosecuted for the contravention only if the person does not comply with the notice.
- (6) However, this section does not require an authorised person to give a person a notice under subsection (1) before the person may be prosecuted for a contravention of this part.

Part 3 Waste receipt and disposal

12 Unlawful disposal of waste at waste facility

- (1) A person must not deposit the following waste at a waste facility—
- (a) liquid or semiliquid waste;
 - (b) hot ash;
 - (c) material that is smouldering or aflame;
 - (d) material that can spontaneously combust;
 - (e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;
 - (f) an explosive;
 - (g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction.

Maximum penalty—20 penalty units.

-
- (2) Subsection (1) does not apply to waste deposited with the consent of—
- (a) the person who—
 - (i) is the registered operator for the facility; or
 - (ii) holds an environmental authority for the facility; or
 - (b) the person in charge of the facility.

13 Restrictions on burning waste at waste facility

A person must not set fire to, or burn, waste at a waste facility other than—

- (a) under an environmental authority; or
- (b) under a development condition of a development approval; or
- (c) under a standard environmental condition of a code of environmental compliance for a chapter 4 activity; or
- (d) under the *Fire and Rescue Service Act 1990*.

Maximum penalty—20 penalty units.

14 Restrictions on use of waste facility

- (1) A person must not, without the consent of a waste facility's owner or operator—
- (a) enter the facility other than to deposit waste; or
 - (b) remain on the facility after depositing waste; or
 - (c) interfere with waste at, or remove waste from, the facility.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply to—
- (a) the facility's owner or operator; or
 - (b) an authorised person.

[s 15]

15 Waste transporter to comply with directions and give information

- (1) This section applies to a person who transports waste to a waste facility.
- (2) The person must—
 - (a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by the facility's owner or operator; and
 - (b) deal with the waste in accordance with reasonable instructions given by the person in charge of the facility; and
 - (c) if asked by the facility's owner or operator—give information to the owner or operator about the type and amount of waste being delivered.

Maximum penalty—10 penalty units.

Part 4 Waste tracking

Division 1 Preliminary

16 Object of pt 4

- (1) This part concerns the transportation of certain regulated waste.
- (2) The object of this part is to ensure the administering authority has the information it needs to manage the environmental risks from the waste.
- (3) To achieve the object, this part provides for the persons involved in the transportation to—
 - (a) keep records; and

- (b) pass on information to other persons involved in the transportation; and
- (c) give information to the administering authority.

17 Waste transportation to which this part applies

- (1) This part applies to the transportation of regulated waste of a type stated in schedule 1 (*trackable waste*).
- (2) However, this part does not apply to—
 - (a) the non-commercial transportation of less than 250kg of trackable waste; or
 - (b) the transportation of trackable waste in a pipeline; or
 - (c) the transportation of trackable waste under an exemption given by the administering authority under section 39; or
 - (d) the transportation of trackable waste in a container if—
 - (i) the amount of trackable waste is not more than 5% of the capacity of the container; and
 - (ii) the container is being transported to a place to be refilled with the same substance as the waste, without undergoing a process before the refilling; or
 - (e) the transportation of power station fly ash to a place for use—
 - (i) as a raw material in the production of cement, concrete or plastic; or
 - (ii) in the construction of a road; or
 - (iii) in the treatment of waste in a way that involves combining the waste with the ash; or
 - (f) the transportation of trackable waste to a registered laboratory for analysis; or
 - (g) the transportation of trackable waste to a place for use as stock food; or

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- (h) the transportation of trackable waste to a farm for use as a soil conditioner or fertiliser.

18 Waste handlers

- (1) If there is a transportation of waste to which this part applies, the following persons are the waste handlers for the waste—
 - (a) the person (the *generator*) from whom the trackable waste is transported (whether the person generated the waste or received it from someone else);
 - (b) the person (the *transporter*) who transports the waste;
 - (c) the person (the *receiver*) to whom the waste is transported.
- (2) If a person acts in more than 1 of the capacities mentioned in subsection (1), the person must comply with this part for each of the capacities.

Example—

A person generates a load of trackable waste and transports it to someone else for treatment. The first person must comply with this part, in relation to the load, as both the generator and transporter of the waste.

Division 2 Prescribed matters for giving of information

19 Prescribed information

For this part, the *prescribed information* that a waste handler must record, or give to the administering authority or another waste handler, is the relevant information stated in schedule 2.

20 Prescribed way of giving information

For this part, the *prescribed way* of giving information about waste to the administering authority is—

- (a) giving the information in the prescribed form; or

-
- (b) giving the information in another way the administering executive has approved under section 37.

Editor's note—

For the prescribed form for giving the information, see section 36 (Giving information to administering authority in prescribed form).

21 Prescribed time for giving information

For this part, the *prescribed time* for giving information about waste to the administering authority is—

- (a) if the information is given in the prescribed form—7 days; or
- (b) if the information is given in another way approved under section 37—the time stated as the prescribed time under the approval.

Division 3 Obligations of waste handlers

Subdivision 1 Transportation within Queensland

22 Application of subdiv 1

This subdivision applies to the transportation of trackable waste from a generator in Queensland to a receiver in Queensland.

23 Responsibilities of generator

- (1) When the generator gives the waste to the transporter, the generator must—
- (a) record the prescribed information about the waste; and
- (b) give to the transporter the prescribed information about the waste.

Maximum penalty—20 penalty units.

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- (2) The generator must give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed time after giving the waste to the transporter.

Maximum penalty—20 penalty units.

- (3) The generator must keep the record mentioned in subsection (1)(a) for at least 5 years.

Maximum penalty—20 penalty units.

24 Responsibilities of transporter

- (1) While transporting the waste in Queensland, the transporter must carry a document containing the information received from the generator under section 23.

Maximum penalty—20 penalty units.

- (2) When the transporter gives the waste to the receiver, the transporter must—

- (a) record the prescribed information about the waste; and
(b) give to the receiver the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (3) As soon as practicable after becoming aware of a discrepancy in information received from the generator under section 23, the transporter must give written notice of the discrepancy to the administering authority.

Maximum penalty—20 penalty units.

- (4) The transporter must keep the record mentioned in subsection (2)(a) for at least 5 years.

Maximum penalty—20 penalty units.

25 Responsibilities of receiver

- (1) When the transporter gives the waste to the receiver, the receiver must record the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (2) The receiver must give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed time after receiving the waste from the transporter.

Maximum penalty—20 penalty units.

- (3) As soon as practicable after becoming aware of a discrepancy in the information received from the transporter under section 24, the receiver must give written notice of the discrepancy to the administering authority.

Maximum penalty—20 penalty units.

- (4) The receiver must keep the record mentioned in subsection (1) for at least 5 years.

Maximum penalty—20 penalty units.

26 Responsibilities of waste handler acting in more than 1 capacity

- (1) If a person is both the generator and the transporter—
- (a) section 23(1)(b) does not apply; and
 - (b) section 23 otherwise applies as if a reference to the generator giving the waste to the transporter were a reference to the person starting the transportation; and
 - (c) section 24(1) applies as if a reference to the information received from the generator were a reference to the information recorded by the person; and
 - (d) section 24(3) does not apply.

- (2) If a person is both the transporter and the receiver—

(a) section 24(2)(b) does not apply; and

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- (b) section 25(3) does not apply; and
- (c) sections 24 and 25 otherwise apply as if a reference to the transporter giving the waste to the receiver were a reference to the person completing the transportation.

Subdivision 2 Transportation into Queensland

27 Application of subdiv 2

This subdivision applies to the transportation of trackable waste from a generator outside Queensland to a receiver in Queensland.

28 Responsibilities of transporter

- (1) The transporter must not transport the waste into Queensland unless the administering authority has assigned a consignment number to the load being transported.

Editor's note—

See section 38 (Consignment numbers for waste transported into Queensland).

Maximum penalty—20 penalty units.

- (2) Before transporting the waste into Queensland, the transporter must obtain from the generator the information about the waste prescribed for section 23(1)(b), other than a load number.
- (3) While transporting the waste in Queensland, the transporter must carry a document—
 - (a) stating the consignment number assigned to the load by the administering authority; and
 - (b) containing the information mentioned in subsection (2).

Maximum penalty—20 penalty units.

- (4) When the transporter gives the waste to the receiver, the transporter must—

-
- (a) record the prescribed information about the waste; and
 - (b) give to the receiver the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (5) As soon as practicable after becoming aware of a discrepancy in information obtained under subsection (2), the transporter must give written notice of the discrepancy to the administering authority.

Maximum penalty—20 penalty units.

- (6) The transporter must keep the record mentioned in subsection (4)(a) for at least 5 years.

Maximum penalty—20 penalty units.

29 Responsibilities of receiver

- (1) When the transporter gives the waste to the receiver, the receiver must record the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (2) The receiver must give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed time after receiving the waste from the transporter.

Maximum penalty—20 penalty units.

- (3) As soon as practicable after becoming aware of a discrepancy in the information received from the transporter under section 28, the receiver must give written notice of the discrepancy to the administering authority.

Maximum penalty—20 penalty units.

- (4) The receiver must keep the record mentioned in subsection (1) for at least 5 years.

Maximum penalty—20 penalty units.

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30 Responsibilities of waste handler acting in more than 1 capacity

If a person is both the transporter and the receiver—

- (a) section 28(4)(b) does not apply; and
- (b) section 29(3) does not apply; and
- (c) sections 28 and 29 otherwise apply as if a reference to the transporter giving the waste to the receiver were a reference to the person completing the transportation.

Subdivision 3 Transportation out of Queensland

31 Application of subdiv 3

This subdivision applies to the transportation of trackable waste from a generator in Queensland to a receiver outside Queensland.

32 Responsibilities of generator

- (1) When the generator gives the waste to the transporter, the generator must—
 - (a) record the prescribed information about the waste; and
 - (b) give to the transporter the prescribed information about the waste.

Maximum penalty—20 penalty units.

- (2) The generator must give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed time after giving the waste to the transporter.

Maximum penalty—20 penalty units.

- (3) The generator must keep the record mentioned in subsection (1)(a) for at least 5 years.

Maximum penalty—20 penalty units.

33 Responsibilities of transporter

- (1) While transporting the waste in Queensland, the transporter must carry a document containing the information received from the generator under section 32.

Maximum penalty—20 penalty units.

- (2) As soon as practicable after becoming aware of a discrepancy in information received from the generator under section 32, the transporter must give written notice of the discrepancy to the administering authority.

Maximum penalty—20 penalty units.

34 Responsibilities of waste handler acting in more than 1 capacity

If a person is both the generator and the transporter—

- (a) section 32(1)(b) does not apply; and
- (b) section 32 otherwise applies as if a reference to the generator giving the waste to the transporter were a reference to the person starting the transportation; and
- (c) section 33(1) applies as if a reference to the information received from the generator were a reference to the information recorded by the person; and
- (d) section 33(2) does not apply.

Division 4 Miscellaneous

35 Application of provisions to agents

- (1) This section applies if—
 - (a) a waste handler is required by a provision of division 3 (the *waste tracking provision*) to do something; and
 - (b) the waste handler enters a written agreement with another person (the *agent*) to do the thing for the waste handler; and

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- (c) the agreement states that the agent is aware of subsection (3).
- (2) It is a defence to a charge of contravening the waste tracking provision for the waste handler to show—
 - (a) the waste handler entered the agreement with the agent; and
 - (b) the contravention was directly caused by a failure of the agent to do something in compliance with the agreement.
- (3) The waste tracking provision applies to the agent, to the extent the agent has agreed to do something required by the provision, as if a reference in the provision to the waste handler were a reference to the agent.

36 Giving information to administering authority in prescribed form

- (1) The chief executive must prepare forms (the *prescribed forms*) for use in giving information to the administering authority under division 3.
- (2) Each form must be marked with a different number (consisting of numbers, letters or both) for use as a load number.
- (3) The chief executive must make the forms available, free of charge or on payment of a reasonable fee, at the department's head office.
- (4) If a person obtains a prescribed form from the chief executive and uses it to give information to the administering authority under division 3 about the transportation of trackable waste, the number marked on the form under subsection (2) is the load number for the waste.

37 Approval of ways of giving information to administering authority

- (1) A person may apply to the administering executive for approval of a particular way of giving information to the administering authority under division 3.
- (2) The applicant must—
 - (a) give the administering executive the information the executive reasonably requires to decide the application; and
 - (b) pay, within the time required by the executive, the reasonable fee required by the executive for assessing the application.
- (3) If the applicant does not comply with subsection (2), the application lapses.
- (4) The administering executive may approve the way if the executive is satisfied—
 - (a) it is a reliable, effective, timely and efficient way for the information to be given to the administering authority; and
 - (b) the information will be secure while it is being given; and
 - (c) the information will be given in a form that enables the authority to access, record and otherwise deal with it; and
 - (d) it includes a system for assigning a unique and appropriate load number (consisting of numbers, letters or both) to each transportation of waste for which information is given; and
 - (e) it would otherwise be an appropriate way for the information to be given.

Example—

The administering executive may approve a system under which a person transmits information from the person's database direct to the administering authority in a particular electronic form. Under the system, the information given about the transportation of a load includes

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a load number consisting of the first 3 letters of the transporter's name, the date and the number of the load being transported on that day.

- (5) The approval may be given on reasonable conditions.
- (6) The approval must state the prescribed time for giving the information in that way.

Editor's note—

See section 21 (Prescribed time for giving information).

- (7) If the administering executive has not decided the application by the due day, the application is taken to have been refused.
- (8) To remove doubt, it is declared that the administering executive may approve, under this section, a way of giving information, even though no one has applied for the approval.
- (9) In this section—

due day, for deciding an application, means—

- (a) the sixtieth day after the application is made, not including a day the administering executive asks for information under subsection (2)(a), a day the applicant gives the requested information, and any days in between; or
- (b) any later day agreed on by the executive and the applicant.

38 Consignment numbers for waste transported into Queensland

- (1) A person may apply to the administering executive for a consignment number for a load of trackable waste to be transported into Queensland from another State.
- (2) The application must be in the approved form.
- (3) The applicant must give to the administering executive any of the following information that the executive requests—
 - (a) information mentioned in schedule 2, section 1, about the load;

-
- (b) information the executive reasonably needs to make a decision on the application under subsection (4).
 - (4) The administering executive must grant the application if the executive is satisfied—
 - (a) the intended transporter holds, or is acting under, the required authority for transporting the waste to the intended receiver; and
 - (b) the intended receiver holds, or is acting under, the required authority for carrying out the intended treatment.
 - (5) If the administering executive grants the application, the executive must assign a consignment number to the load and give written notice of the consignment number to the applicant.
 - (6) If the administering executive has not decided the application by the due day, the executive is taken to have refused the application.
 - (7) In this section—
 - due day*, for deciding an application, means—
 - (a) the tenth business day after the application is made, not including a day the administering executive asks for information under subsection (3), a day the applicant gives the requested information, and any days in between; or
 - (b) any later day agreed on by the administering executive and the applicant.

intended treatment, for trackable waste to be transported into Queensland, means the way that the waste is to be treated, disposed of, stored or otherwise dealt with by the receiver.

39 Exemptions

- (1) A person may apply for an exemption for the transportation of particular trackable waste.

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Editor's note—

This part does not apply to the transportation of trackable waste under an exemption granted under this section. See section 17(2)(c) (Waste transportation to which this part applies).

- (2) The person must give the administering authority the information it reasonably requires to decide the application.
- (3) The administering authority may grant the application if it is satisfied the waste does not show any environmentally significant characteristics.

Example—

A person operates a food processing facility. Waste from the facility includes filter cake (a trackable waste), which the person sends away for disposal at the end of each week. The filter cake derives only from the washing of vegetables and consists almost entirely of sand and dirt. Analysis of the filter cake establishes that it does not show any environmentally significant characteristics.

The administering authority decides to give the person an exemption for the transportation of each of these weekly loads. The exemption is given on conditions about the process that generates the filter cake, to ensure it will not show any environmentally significant characteristics.

- (4) An exemption may be given on reasonable conditions.
- (5) If the administering authority has not decided the application by the due day, it is taken to have refused the application.
- (6) In this section—

due day, for deciding an application, means—

- (a) the thirtieth day after the application is made, not including a day the administering authority asks for information it reasonably requires to decide the application, a day the applicant gives the requested information, and any days in between; or
- (b) any later day agreed on by the administering authority and the applicant.

40 Emergencies

If a person is charged with an offence against a provision of this part, it is a defence to the charge for the person to prove the act or omission constituting the failure to comply with the provision—

- (a) was carried out, or happened, in the exercise of a power under chapter 9, part 4 of the Act; or
- (b) was carried out, or happened, under an emergency direction; or
- (c) was reasonably necessary because of an emergency.

41 Trackable waste to be given only to licensed transporter

- (1) A generator of trackable waste must not give the waste to another person to transport it commercially, or in a load of more than 250kg, in a vehicle unless the other person holds, or is acting under, the required authority for transporting the waste in the vehicle.

Maximum penalty—165 penalty units.

- (2) It is a defence to a charge under subsection (1) for the defendant to prove he or she had reasonable grounds for believing the other person had the required authority.

42 Generator identification number

On application by a person in the approved form, the administering executive must assign the person a generator identification number.

Editor's note—

The generator identification number is mentioned in the prescribed information for a generator under schedule 2 (Prescribed information for waste tracking).

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Part 5 Management of clinical and related wastes

Division 1 Clinical and related waste management plans

43 Clinical and related waste management plan required

A person must not operate any of the following facilities unless the person has a clinical and related waste management plan for the facility—

- (a) a blood bank;
- (b) a hospital;
- (c) a laboratory;
- (d) a multi-service medical clinic;
- (e) a veterinary hospital.

Maximum penalty—20 penalty units.

44 Contents of plan

- (1) In preparing the clinical and related waste management plan, the person must have regard to the waste management hierarchy and principles.
- (2) The person must consider including the following in the plan—
 - (a) a requirement to conduct a comprehensive baseline waste audit for the facility and to monitor waste generated at the facility;
 - (b) a purchasing policy that incorporates measures to minimise waste generated at the facility through the use of product substitution, product changes, procedural changes and the replacement of disposable items with reusable items;

- (c) procedures for segregating waste at the facility;
- (d) measures for recycling or reusing waste at the facility;
- (e) requirements for storing waste at the facility;
- (f) options for treating and disposing of waste generated at the facility;
- (g) staff training programs about effective waste management at the facility;
- (h) risk management strategies that document contingency plans and emergency procedures in relation to waste generated at the facility, including, for example, in relation to the spillage of waste;
- (i) goals to reduce waste generated at the facility to be achieved within stated timeframes;
- (j) measures that could be taken to investigate and initiate ways of achieving the goals;
- (k) strategies for promoting the plan within the facility;
- (l) a mechanism for staff to provide feedback about the plan;
- (m) a mechanism to update the plan at regular intervals;
- (n) measures to collate and review, on an annual basis, the following statistics about waste generated at the facility—
 - (i) the type of waste;
 - (ii) the weight of the waste;
 - (iii) the volume of the waste;
 - (iv) the way in which, and the frequency with which, the waste is removed from the facility;
- (o) strategies for waste management during any renovation of the facility.

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45 Requirement for plan to be maintained

A person who operates premises mentioned in section 43 must ensure the clinical and related waste management plan for the operation is reviewed at least once every 5 years and, if necessary, updated.

Maximum penalty—10 penalty units.

Division 2 Managing clinical and related waste

46 Segregation of waste

- (1) A person who operates premises at which clinical or related waste is generated must ensure the waste is segregated into—
 - (a) the following categories of clinical waste—
 - (i) animal waste;
 - (ii) discarded sharps;
 - (iii) human tissue waste;
 - (iv) laboratory and associated waste directly resulting from the processing of specimens; and
 - (b) the following categories of related waste—
 - (i) chemical waste;
 - (ii) cytotoxic waste;
 - (iii) human body parts;
 - (iv) pharmaceutical waste;
 - (v) radioactive waste; and
 - (c) general waste.

Maximum penalty—20 penalty units.

- (2) It is a defence to a charge under subsection (1) for the defendant to prove that the waste will be given, for treatment or disposal, to a person who is authorised, under any of the

following, to receive waste that is not segregated in the way required under subsection (1)—

- (a) an environmental authority;
- (b) a development condition of a development approval;
- (c) a standard environmental condition of a code of environmental compliance for a chapter 4 activity.

47 Design requirements for waste containers

A person who operates premises at which clinical or related waste is generated must ensure all bags and other containers used at the establishment for the collection, storage, transport or disposal of clinical and related waste mentioned in schedule 4 comply with the requirements in the schedule.

Maximum penalty—20 penalty units.

48 Sending waste to waste disposal or treatment facility

- (1) A person who operates premises at which clinical or related waste is generated must not give the waste to someone else for transporting, storage, treatment or disposal who is not the holder of, or a person acting under, the required authority for transporting, storing, treating or disposing of the waste.

Maximum penalty—165 penalty units.

- (2) It is a defence to a charge under subsection (1) for the defendant to prove he or she had reasonable grounds for believing the other person had the required authority.

49 Disposal of sharps

- (1) Subsection (2) applies to a person who—
 - (a) discards, at domestic premises, a hypodermic needle that has been in contact with human or animal tissue or body fluids; or
 - (b) discards, at a place other than domestic premises, a hypodermic needle; or

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- (c) discards, at premises at which skin penetration practices are carried out under the *Health Regulation 1996*, part 15, a sharp; or
 - (d) discards, at premises at which higher risk personal appearance services are carried out under the *Public Health (Infection Control for Personal Appearance Services) Act 2003*, a sharp.
- (2) The person must—
- (a) place the needle or sharp in a rigid-walled, puncture resistant container; and
 - (b) seal or securely close the container.

Maximum penalty—20 penalty units.

- (3) Subsection (4) applies to a person who discards a needle or other sharp at premises at which clinical or related waste is generated.
- (4) The person must place the needle or other sharp in a container that complies with—
- (a) the ‘Australian/New Zealand Standard for Reusable Containers for the Collection of Sharp Items Used in Human and Animal Medical Applications: AS/NZ4261-1994’ published by Standards Australia; or
 - (b) the ‘Australian Standard for Non-Reusable Containers for the Collection of Sharp Medical Items Used in Health Care Areas: AS 4031-1992’ published by Standards Australia.

Maximum penalty—40 penalty units.

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

Maximum penalty—40 penalty units.

50 Storage area for clinical or related waste

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

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

Maximum penalty—20 penalty units.

51 Storage of clinical or related waste

A person who operates premises at which clinical or related waste is generated and stored must ensure the waste does not create an environmental nuisance after it is generated.

Maximum penalty—40 penalty units.

52 Treatment and disposal of clinical or related waste

A person who operates premises at which clinical or related waste is generated must ensure the waste is treated and disposed of in accordance with schedule 5.

Maximum penalty—165 penalty units.

53 Prohibition on use of waste chutes for movement of clinical or related waste

A person must not use a waste chute at premises at which clinical or related waste is generated to move the waste.

Maximum penalty—20 penalty units.

Part 6 Management of polychlorinated biphenyls (PCBS)

Division 1 Preliminary

54 Definitions for pt 6

In this part—

concentrated see section 55.

diluent means a matrix within which PCBs are distributed such as, for example, oil, soil or concrete, but does not include the casing or other solid surrounding the matrix.

licensed disposal facility means—

- (a) a facility in Queensland authorised, under any of the following, to be used for disposing of PCB waste—
 - (i) a development condition of a development approval;
 - (ii) a standard environmental condition of a code of environmental compliance for a chapter 4 activity;
 - (iii) an environmental authority; or
- (b) a facility in another State authorised to be used under a licence, approval or other authority, given under a law of that State, to dispose of PCB waste.

licensed treatment facility means—

- (a) a facility in Queensland authorised, under any of the following, to be used for treating PCB waste—
 - (i) a development condition of a development approval;
 - (ii) a standard environmental condition of a code of environmental compliance for a chapter 4 activity;
 - (iii) an environmental authority; or

-
- (b) a facility in another State authorised to be used under a licence, approval or other authority, given under a law of that State, to treat PCB material.

non-scheduled see section 55.

PCB means a polychlorinated biphenyl.

PCB-free see section 56.

PCB material means—

- (a) PCBs that are not in a diluent; or
(b) PCBs in a diluent in a concentration of at least 2mg/kg.

PCB waste means waste that is PCB material.

scheduled see section 55.

55 Types of PCB material

- (1) This part applies to PCB material according to the amount and concentration of PCBs in it.
- (2) PCB material is either scheduled or non-scheduled.
- (3) PCB material is *scheduled* if—
- (a) the concentration of PCBs in the material is at least 50mg/kg; and
- (b) the material contains at least 50g of PCBs.
- (4) PCB material is *concentrated* if—
- (a) the concentration of PCBs in the material is at least 100000mg/kg; and
- (b) the material contains at least 50g of PCBs.

56 Deciding if material or equipment is PCB-free

- (1) For this part—
- (a) material is *PCB-free* if it is not PCB material; and
- (b) equipment is *PCB-free* if—

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- (i) there is no PCB material in the equipment other than on the surface area of the PCB contaminated metal in the equipment; and
 - (ii) the PCB contaminated metal in the equipment does not have a coverage of PCBs on its surface area of more than 1mg/m^2 , as decided under the guidelines prepared and made available under subsection (2).
- (2) The chief executive must—
- (a) prepare guidelines for deciding the coverage of PCBs on the surface area of PCB contaminated metal; and
 - (b) ensure copies of the guidelines are available on request, free of charge or on payment of a reasonable fee, at the department's head office.

- (3) In this section—

PCB contaminated metal, in equipment, means metal that normally comes into contact with PCB material when the equipment is used.

Division 2 Treatment of PCB material

57 Treatment of PCB material only at licensed facilities

- (1) A person must not dilute, disaggregate or treat PCB material in any other way at a place other than a licensed treatment facility.

Maximum penalty—165 penalty units.

- (2) For this section, a person does not *treat* PCB material if the person merely—
- (a) removes PCB material from equipment; or
 - (b) refills equipment containing PCB material for the purpose of the continued operation of the equipment.

Division 3 Disposal of PCB waste

58 Scheduled PCB waste must be sent for treatment

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

Maximum penalty—40 penalty units.

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

Example—

It is a reasonable excuse that there is no licensed treatment facility to which the waste can be given within 1 year after it is generated.

- (3) If a person who generates scheduled PCB waste does not comply with subsection (1) because the person has a reasonable excuse, the person must give the waste to a licensed treatment facility, for treatment, as soon as practicable.

Maximum penalty—40 penalty units.

59 Disposal of PCB waste to a landfill

A person must not dispose of scheduled PCB waste or liquid PCB waste to a landfill.

Maximum penalty—165 penalty units.

Division 4 Duties of occupier of place with scheduled PCB material

60 Application

This division applies to a person who occupies a place at which there is an amount of scheduled PCB material containing more than 10kg of PCBs.

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61 Notice to administering authority

- (1) The person must give a notice to the administering authority, within 3 months after this division starts to apply to the person, stating—
 - (a) the person's name and address; and
 - (b) the date of the notice; and
 - (c) the prescribed information about the material.

Maximum penalty—10 penalty units.

- (2) If there is a change in any of the prescribed information stated in a notice given by a person under this section, the person must give a further notice to the administering authority, not later than 3 months after the change, stating—
 - (a) the person's name and address; and
 - (b) the date of the notice; and
 - (c) the day the change happened; and
 - (d) the particulars of the change.

Maximum penalty—10 penalty units.

- (3) In this section—

prescribed information, about the scheduled PCB material at a place, means—

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

62 Emergency plan

- (1) The person must prepare an emergency plan, within 90 days after this division starts to apply to the person, and must keep the plan up to date.

Maximum penalty—5 penalty units.

(2) In this section—

emergency plan, for a place, means a plan that addresses—

- (a) monitoring and recording—
 - (i) the amount of scheduled PCB material at the place; and
 - (ii) where the material is located; and
 - (iii) access to the material; and
- (b) the following issues concerning relevant incidents at the place—
 - (i) minimising the risks of an incident;
 - (ii) timely and effective containment of an incident;
 - (iii) timely and effective clean-up and repairs after an incident;
 - (iv) managing waste generated by the clean-up or repairs.

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

Division 5 Equipment containing PCB material

63 Chief executive must prepare guidelines for identifying prohibited equipment

As soon as practicable after the commencement of this section, the chief executive must—

- (a) prepare guidelines for identifying equipment that contains concentrated PCB material or other scheduled PCB material; and
- (b) publicise the guidelines to entities the chief executive considers appropriate including, for example, entities who may, in the course of a business, use or otherwise deal with equipment containing PCB material.

[s 64]

64 Use of equipment containing concentrated PCB material

- (1) A person must not use equipment containing concentrated PCB material if the person knows, or ought reasonably to know, that the equipment contains concentrated PCB material.
Maximum penalty—40 penalty units.
- (2) Subsection (1) does not apply if there is a current exemption for the equipment given under this section.
- (3) On application, the administering authority may exempt equipment from the application of subsection (1) and may extend an exemption for 1 or more further periods.
- (4) However, an exemption may not be given or extended so that it operates for a time ending more than 3 years after the commencement of this section.
- (5) The administering authority may give or extend an exemption for equipment only if it is satisfied the equipment is not—
 - (a) near a food processing facility, animal feedlot, school or hospital; or
 - (b) in a potable surface or underground water catchment area, aquatic spawning area or endangered wildlife habitat; or
 - (c) at another place requiring higher than usual protection against environmental harm from a spill or other accident involving concentrated PCB material.
- (6) An exemption may be given on reasonable conditions.
- (7) An applicant for an exemption must give the administering authority the information it reasonably requires to decide the application.
- (8) If the administering authority has not decided the application by the due day, it is taken to have refused the application.
- (9) In this section—

due day, for deciding an application, means—

 - (a) the sixtieth day after the application is made, not including a day the administering authority asks for

information under subsection (7), a day the applicant gives the requested information, and any days in between; or

- (b) any later day agreed on by the administering authority and the applicant.

65 Use of equipment containing scheduled PCB material

A person must not use equipment containing scheduled PCB material, other than concentrated PCB material if the person knows, or ought reasonably to know, that the equipment contains scheduled PCB material.

Maximum penalty—40 penalty units.

66 Dealing with equipment that is no longer used

- (1) This section applies to the owner of equipment containing PCB material.
- (2) Not later than 1 year after the equipment is permanently removed from operational use, the owner must deal with the equipment as follows—
 - (a) if the equipment contains concentrated PCB material, the owner must give the equipment to a licensed treatment facility for treatment so the equipment becomes PCB-free;
 - (b) if the equipment contains scheduled PCB material that is not concentrated PCB material, the owner must—
 - (i) treat the equipment so the equipment becomes PCB-free; or
 - (ii) give the equipment to a licensed treatment facility for treatment so the equipment becomes PCB-free;
 - (c) if the equipment contains non-scheduled PCB material, the owner must—
 - (i) treat the equipment so the equipment becomes PCB-free; or

Division 2 Application for approval

66B Application for approval of a resource or stated type of resource—Act, s 13

- (1) A person may apply to the administering authority to approve a resource, or a stated type of resource, under section 13(4) of the Act only if—
 - (a) the person possesses the resource, or a resource of that type, when the application is made; or
 - (b) the person has consent to make the application from the person who, when the application is made, has possession of the resource, or a resource of that type.
- (2) The application must—
 - (a) be written and include the following information about the resource, or type of resource—
 - (i) a description of it, including, for example, its physical state and its components and their concentrations;
 - (ii) details of any of its environmentally significant characteristics;
 - (iii) details of its origin, including, for example, its place of production and the type of activity resulting in its production;
 - (iv) details of the form of transportation, storage, re-use, recycling, energy recovery, reprocessing or other use proposed for it;
 - (v) details of the benefits, and any end product, of its proposed use;
 - (vi) the quantity of it proposed to be used;
 - (vii) details of any relevant waste minimisation, waste management plan prepared or code of practice; and
 - (b) state details of the proposed measures to ensure the applicant's proposed use of the resource, or stated type

[s 66C]

of resource, is not likely to result in material environmental harm, serious environmental harm, or environmental nuisance; and

- (c) be accompanied by the fee that—
 - (i) the administering authority considers to be reasonable; and
 - (ii) is not more than the reasonable cost of deciding the application.

66C Administering authority may require additional information

- (1) The administering authority may, by written notice, ask the applicant to give the authority further reasonable information or documents about the application by a reasonable date stated in the notice.
- (2) The notice must be accompanied by, or include, an information notice about the decision to require further information.
- (3) The administering authority may refuse the application if the applicant does not give the chief executive the further information or documents by the stated day, without reasonable excuse.
- (4) The applicant may, before the stated day, apply to the administering authority to extend the time for providing the further information.

Division 3 Deciding application

66D Deciding application

- (1) The administering authority must decide either to grant or refuse the approval within 40 business days after the later of the following days—

-
- (a) the day the administering authority receives the application;
 - (b) if additional information is requested under section 66C—the day the administering authority receives the information.
- (2) However, the administering authority may fix a later day for making a decision under subsection (1) by giving the applicant, within 40 business days after the later of the days mentioned in subsection (1)(a) and (b), a written notice that it has fixed the later day.
 - (3) The later day fixed under subsection (2) must not be more than 60 business days after the later of the days mentioned in subsection (1)(a) and (b).
 - (4) A failure to make a decision under this section is taken to be a decision by the authority to refuse the application.

Editor's note—

See also division 5 (Conditions of approvals).

66E Criteria for decision

- (1) In deciding whether to grant or refuse an approval, the administering authority must consider the following—
 - (a) the standard criteria;
 - (b) the best practice environmental management for the particular use of the resource, or type of resource;
 - (c) the likelihood of any material environmental harm, serious environmental harm, or environmental nuisance;
 - (d) the benefit and sustainability of the proposed use of the resource, or type of resource;
 - (e) any alternative use of the resource, or type of resource.
- (2) Also, the administering authority may consider the following—
 - (a) the applicant's environmental record;

[s 66F]

- (b) the applicant's ability to comply with any proposed conditions of the proposed approval;
- (c) whether a disqualifying event has happened in relation to—
 - (i) if the applicant is an individual—the applicant or another person who is the applicant's partner; or
 - (ii) if the applicant is a corporation—any of the corporation's executive officers, or another corporation of which any of the corporation's executive officers is, or has been, an executive officer.

66F Grant of approval

- (1) If the administering authority grants an approval, it must, within 10 business days, give the applicant a notice stating the following—
 - (a) the approval has been granted;
 - (b) whether the approval is a general or specific approval;
 - (c) if the approval is a specific approval—the person who has the benefit of the approval;
 - (d) the period of the approval;
 - (e) any conditions imposed under section 66M.
- (2) Also, if, under section 66M, the administering authority decides to impose a condition on a specific approval, the administering authority must, within 10 business days, give the holder of the approval an information notice about the decision.
- (3) However, subsection (2) does not apply to a condition that is the same, or substantially the same, as a condition agreed to or requested by the holder.

66G Refusal of approval

If the administering authority decides to refuse the approval, it must, within 10 business days, give the applicant an information notice about the decision.

Editor's note—

For reviews or appeals from a refusal to grant an approval, see the Act, section 520 (Dissatisfied person) and schedule 2 (Original decisions).

Division 4 Amendment, cancellation or suspension of particular approvals

66H Transfer of benefit of approval

- (1) The holder of a specific approval granted under section 66F may apply to the administering authority to transfer the benefit of the approval.
- (2) The application must be—
 - (a) written; and
 - (b) made by the holder of the approval and the proposed transferee; and
 - (c) be accompanied by the fee that—
 - (i) the administering authority considers to be reasonable; and
 - (ii) is not more than the reasonable cost of deciding the application.
- (3) In deciding whether to transfer—
 - (a) the authority may consider the criteria under section 66E; and
 - (b) a reference to the applicant in the criteria is taken to be a reference to the proposed transferee.
- (4) The authority must decide to either approve or refuse the transfer within 40 business days after the day it receives the application.

[s 66I]

- (5) If the authority decides to transfer, it must, within 10 business days, give each applicant a notice stating—
 - (a) it has decided to make the transfer; and
 - (b) the day the transfer takes effect.
- (6) If the authority decides to refuse to transfer, it must, within 10 business days, give each applicant an information notice about the decision.

66I Amendment of approval

- (1) The administering authority may, at any time, by giving written notice, amend an approval granted under section 66F, if—
 - (a) the amendment corrects a clerical or formal error and does not adversely affect the interests of any person who has the benefit of the approval; or
 - (b) if the approval is a specific approval—
 - (i) the amendment is at the request, or with the written consent, of the holder of the approval; or
 - (ii) the administering authority has complied with section 66K.
- (2) In this section—

amend, an approval, includes—

 - (a) amending a condition imposed on the approval; and
 - (b) removing a condition imposed on the approval; and
 - (c) imposing a new condition on the approval.

66J Cancellation or suspension of an approval

- (1) The administering authority may cancel or suspend an approval granted under section 66F if—
 - (a) an event mentioned in subsection (2) has happened; and
 - (b) the authority complies with section 66K.

-
- (2) For subsection (1)(a), the event is each of the following—
- (a) the approval was granted because of a materially false or misleading representation or declaration;
 - (b) the approval was granted on the basis of certain matters or information that have changed and the change is likely to result in material environmental harm, serious environmental harm or environmental nuisance;
 - (c) a condition imposed on the approval has not been complied with.

66K Procedure for amendment, cancellation, or suspension of approval

- (1) This section applies if the administering authority proposes—
- (a) to, under section 66I(1)(b)(ii), amend a specific approval; or
 - (b) to, under section 66J, cancel or suspend an approval.
- (2) The administering authority must—
- (a) for a general approval—publish a notice in 2 newspapers circulating generally throughout the State; or
 - (b) for a specific approval—give a written notice to the holder of the approval.
- (3) The notice must state each of the following—
- (a) the action the administering authority proposes to take;
 - (b) if the proposed action is an amendment—the proposed amendment;
 - (c) if the proposed action is suspension—the proposed suspension period;
 - (d) the grounds for the proposed action;
 - (e) the facts and circumstances that form the basis for the grounds;

[s 66K]

- (f) that the relevant person for the approval may make, within a stated period (the *show cause period*), written representations to show why the proposed action should not be taken.
- (4) The show cause period must end at least 20 business days after—
 - (a) for a general approval—the notice is published; or
 - (b) for a specific approval—the holder of the approval is given the notice.
- (5) The administering authority must consider any representations made within the show cause period.
- (6) If the administering authority decides to take the proposed action, it must, within 10 business days after making the decision—
 - (a) for a general approval—publish an information notice in 2 newspapers circulating generally throughout the State; or
 - (b) for a specific approval—give the holder of the approval, or the former holder of the approval, an information notice about the decision.
- (7) The decision takes effect when the information notice is published or given.
- (8) In this section—

relevant person—

 - (a) for a general approval, means the person who has performed one of the following acts to form the basis of the grounds for the proposed action—
 - (i) made a materially false or misleading representation or declaration;
 - (ii) not complied with a condition imposed on the approval; or
 - (b) for a specific approval, means the holder of the approval.

Division 5 Conditions of approvals

66L Application of div 5

This division applies to an approval of a resource, or stated type of resource under section 13(4) of the Act granted—

- (a) under section 66F; or
- (b) on the administering authority's own initiative.

66M Conditions of approvals

- (1) The administering authority may impose relevant conditions on an approval it considers are necessary or desirable.
- (2) Without limiting subsection (1), the conditions may—
 - (a) require that the resource, or type of resource must—
 - (i) have a particular characteristic, including, for example, a particular form or contaminant concentration; or
 - (ii) be produced or received only by a stated industry; or
 - (iii) if the approval is a specific approval—be produced or received only at stated premises; or
 - (b) require that a particular quantity of the resource, or type of resource, be used over a stated period; or
 - (c) require a relevant person to carry out—
 - (i) any sampling, analysis, monitoring or reporting; or
 - (ii) any measures to ensure that the management of the resource, or type of resource, is not likely to result in material environmental harm, serious environmental harm or environmental nuisance; or
 - (iii) any action to ensure that the approval is not likely to result in material environmental harm, serious environmental harm or environmental nuisance; or

[s 66N]

- (d) if the approval is a specific approval—require the holder of the approval to give written notice to the administering authority of any change in the matters or information relating to the approval.

Editor's note—

For reviews or appeals from an imposition of a condition, see the Act, section 520 (Dissatisfied person) and schedule 2 (Original decisions).

- (3) In this section—

general approval includes an approval by the administering authority on its own initiative.

relevant person means—

- (a) for a general approval—the producer, receiver, re-user, recycler or energy recoverer of the resource, or type of resource; or
- (b) for a specific approval—the holder of the approval.

66N Failure to comply with condition of approval

A person to whom a condition imposed on an approval under section 66M applies must not fail to comply with the condition.

Maximum penalty—165 penalty units.

Part 6B Used packaging materials

Division 1 Preliminary

Subdivision 1 General

66O Purpose of pt 6B

The purpose of this part is to give effect to, and enforce compliance with, the National Environment Protection (Used Packaging Materials) Measure dated 14 July 1999 made under the *National Environment Protection Council Act 1994* (Cwlth), the *National Environment Protection Council (Queensland) Act 1994*, and particular Acts of other States.

Subdivision 2 Interpretation

66P Definitions for pt 6B

In this part—

brand owner means—

- (a) for an imported product—the first person to sell it in Australia; or
- (b) for in-store packaging—a person who supplies it to a retailer; or
- (c) for plastic bags—
 - (i) a person who imports or manufactures them; or
 - (ii) a retailer who supplies them to consumers to transport, from the point of sale, products bought by the consumers from the retailer; or
- (d) otherwise—

[s 66P]

- (i) a person who owns, or is the licensee in Australia of, a trade mark under which a product is sold or otherwise distributed in Australia, whether the trade mark is registered or not; or
- (ii) the franchisee in Australia of a business arrangement that allows a person to operate a business under the name of an already established business.

consumer packaging means packages made of any material, or combination of materials, for the containment, protection, marketing, or handling of retail consumer products.

consumer packaging material means a packaging product, whether made of a single or composite material, used to contain, handle, market or protect a consumer product sold by retail.

Example—

material for distribution packaging used to contain a consumer product sold by retail

covenant means—

- (a) the document called ‘The National Packaging Covenant 15 July 2005 to 30 June 2010’ dated July 2005, referred to in the measure mentioned in section 66O; and
- (b) the annexures and schedules to the document mentioned in paragraph (a).

in-store packaging means a container, of any material, supplied to a consumer at the point of sale of a product for the containment, protection, handling or carriage of the product.

Examples of in-store packaging—

- 1 plastic or paper carry bags
- 2 take-away food containers

kerbside recycling collection means collection from the roadside of commercial, domestic or industrial waste that has been separated for the purpose of recycling.

landfill means land used as a waste disposal site for lawfully putting solid waste on the land.

owner's packaging see section 66S(2)(a).

plastic bags means lightweight (between 2g and 8g in weight), singlet-style, single-use high density polyethylene carry bags made to supply to consumers for them to transport goods purchased.

recycle, for consumer packaging or consumer packaging material, means to recover the packaging or material and use it as a raw material to produce other consumer packaging or consumer packaging material.

registered, for a trade mark, means registered under the *Trade Marks Act 1995* (Cwlth) as a trade mark.

sell includes—

- (a) exchange or supply; and
- (b) agree, offer or attempt to sell.

66Q General

Unless this regulation provides otherwise, expressions used in it that are defined under the measure mentioned in section 66O have the meaning given to them under the measure.

Division 2 Responsibilities of particular brand owners

Subdivision 1 Application

66R Application of div 2

- (1) This division applies to a brand owner other than a brand owner who—
 - (a) is a signatory to the covenant and complies with the covenant; or

[s 66S]

- (b) is not a signatory to the covenant but the chief executive is satisfied—
 - (i) the brand owner uses consumer packaging in which the brand owner's products are sold in a way that achieves environmental outcomes at least equivalent to the environmental outcomes for the packaging under the covenant; or
 - (ii) the brand owner's business has, in the most recent financial year, had a gross turnover of less than \$5m.
- (2) However, this division does not apply to a brand owner in relation to plastic bags if the chief executive is satisfied the brand owner—
 - (a) is a retailer; and
 - (b) is complying with the plastic bag code of practice, whether or not the retailer is a signatory to that code.
- (3) In this section—

plastic bag code of practice means—

 - (a) until 31 December 2005—the document made by the Australian Retailers' Association called 'Australian Retailers Association Code of Practice for the Management of Plastic Bags' dated 8 October 2003, set out in schedule 7 of the covenant; or
 - (b) after 31 December 2005—any document, however called, made by the Australian Retailers' Association that deals with the managed reduction and recycling of plastic bags.

Subdivision 2 Action plans and record keeping

66S Action plans

- (1) The brand owner must—

- (a) prepare, maintain and implement an action plan that complies with subsections (2) to (4); and
- (b) comply with the plan.

Maximum penalty—20 penalty units.

- (2) The action plan must contain the following information—
 - (a) how the brand owner intends to ensure consumer packaging in which the brand owner's products are sold (the *owner's packaging*), or used consumer packaging that is substantially similar to the owner's packaging, is—
 - (i) recovered; and
 - (ii) reused, recycled or used for energy recovery;
 - (b) the quantity of each type of consumer packaging proposed to be—
 - (i) recovered; and
 - (ii) reused, recycled or used for energy recovery;
 - (c) how the brand owner intends to inform the public of the way in which the consumer packaging may be recovered.

Maximum penalty—20 penalty units.

- (3) The quantity mentioned in subsection (2)(b) must consist of at least the following percentage of consumer packaging materials recovered by or for the brand owner—
 - (a) for paper or cardboard packaging, other than prescribed paper or cardboard packaging—80%;
 - (b) for glass—60%;
 - (c) for steel—65%;
 - (d) for aluminium—75%;
 - (e) for prescribed paper or cardboard packaging—25%;

[s 66S]

- (f) for each plastic that is high density polyethylene (HDPE), polyethylene terephthalate (PET) or polyvinyl chloride (PVC)—35%;
 - (g) for plastics, other than the plastics mentioned in paragraph (f)—25%.
- (4) The action plan must state—
- (a) that all consumer packaging materials to be recovered by or for the brand owner will be reused, recycled, or used for energy recovery in the following order (the ***preferred order***)—
 - (i) for re-use in the packaging of the brand owner's own products;
 - (ii) for use within the State as a secondary resource;
 - (iii) for use within Australia as a secondary resource;
 - (iv) for export as a secondary resource; or
 - (b) if the brand owner considers it will be impracticable to reuse, recycle, or use for energy recovery the materials in the preferred order—
 - (i) reasons why the brand owner considers the preferred order impracticable; and
 - (ii) the order in which the materials will be reused, recycled, or used for energy recovery.

- (5) In this section—

prescribed paper or cardboard packaging means packaging made of paper or cardboard that can not reasonably, practicably and to any significant extent, be reused, recycled or used for energy recovery or recovered for reuse, recycling or energy recovery.

Examples of prescribed paper or cardboard packaging—

waxed paper or cardboard, high-wet-strength cardboard

secondary resource means a resource used or to be used—

- (a) to manufacture new consumer packaging or another product to replace raw or virgin materials; or
- (b) for energy recovery.

66T Brand owner to keep information

- (1) The brand owner must, for each financial year, keep for at least 5 years from the end of the year—
 - (a) the following information about each type of consumer packaging material used by the brand owner in the year—
 - (i) the number of consumer packaging items made from the type;
 - (ii) the total weight of the type sold in Australia; and
 - (b) the following information about consumer packaging material recovered by or for the brand owner in the year and reused, recycled or used for energy recovery—
 - (i) the total weight of the material;
 - (ii) how much of the material was reused or recycled in Australia;
 - (iii) how much of the material was exported for re-use or recycling;
 - (iv) how much of the material was used for energy recovery;
 - (v) the recovery rate of the material; and
 - (c) the weight of the consumer packaging material recovered by or for the brand owner in the year that was disposed of at a landfill.

Maximum penalty—20 penalty units.

- (2) The brand owner must, if asked by the chief executive, give the information mentioned in subsection (1) to the chief executive within 28 days after the day the chief executive asks for it.

[s 66U]

Maximum penalty—20 penalty units.

(3) In this section—

recovery rate, for consumer packaging material, means the rate at which the consumer packaging material is recovered using the formula—

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

where—

R means the recovery rate.

WR means the weight of the consumer packaging material recovered.

WS means the weight of the consumer packaging material sold in Australia.

66U Claiming exemption on ground of commercial confidentiality

- (1) The brand owner may, by written notice given to the chief executive, claim information required to be given by the brand owner under section 66T(2) should be treated as confidential on the grounds of commercial confidentiality.
- (2) The notice must contain the information necessary to enable the chief executive to decide the claim.
- (3) The chief executive may, by written notice given to the brand owner, ask the brand owner to give the chief executive, in the reasonable period stated in the notice, further relevant information to enable the chief executive to decide the claim.
- (4) A notice under subsection (3) must be accompanied by, or include, an information notice about the chief executive's decision to make the request.

66V Deciding claim for exemption on ground of commercial confidentiality

- (1) The chief executive may grant the claim only if the chief executive reasonably believes the information would be—
 - (a) exempt information under the *Right to Information Act 2009*; or
 - (b) information disclosure of which could reasonably be expected to cause a public interest harm as mentioned in the *Right to Information Act 2009*, schedule 4, part 4, item 7.
- (2) If the chief executive grants the claim, the brand owner is exempted from giving the information to the chief executive.
- (3) The chief executive must give the brand owner written notice of the chief executive's decision on the claim.
- (4) If the chief executive refuses to grant the claim, the notice must be an information notice about the decision to refuse the grant.
- (5) Subsection (6) applies if the chief executive does not give the brand owner a notice about the chief executive's decision on the claim—
 - (a) within 60 days after the claim is made; or
 - (b) if the brand owner gave the chief executive further information under section 66U(3)—within 60 days after receiving the further information.
- (6) The chief executive's failure to give the notice is taken to be a decision by the chief executive to refuse to grant the claim at the end of the relevant 60 days.

Subdivision 3 Compliance notices

66W Authorised person may give notice to comply

- (1) If an authorised person believes on reasonable grounds that the brand owner has contravened section 66S or 66T, the

[s 66X]

authorised person may give the brand owner a written notice under this section.

- (2) The notice must state—
 - (a) the act or omission comprising the contravention; and
 - (b) the action the brand owner may take to rectify the alleged contravention; and
 - (c) the day by which the brand owner must take the action.
- (3) The stated day must be at least 28 days after the notice is given.
- (4) A brand owner must comply with the notice unless the brand owner has a reasonable excuse for not complying with it.

Maximum penalty—20 penalty units.

- (5) A brand owner can not be prosecuted for an alleged contravention of section 66S or 66T unless the brand owner—
 - (a) is given a notice under subsection (1); and
 - (b) does not comply with the notice.

Division 3 Operators of kerbside recycling collection services to give information to chief executive

66X Local governments

- (1) This section applies to a local government if it operates a kerbside recycling collection service within its local government area.
- (2) The local government must, within 3 months after the end of each financial year in which the service operates, give to the chief executive the following information for the year—
 - (a) the number of residential and non-residential premises in the area;

-
- (b) the number of residential and non-residential premises serviced by the kerbside recycling collection service;
 - (c) the participation rate for the service;
 - (d) the fee charged to each household for the service;
 - (e) the weight of each recyclable material collected;
 - (f) the weight of each recyclable material disposed of at a landfill.
- (3) In this section—

household, for a kerbside recycling collection service, includes residential premises and non-residential premises supplied with a container for the collection of recyclable material by the operator of the service.

participation rate, for a kerbside recycling collection service, means the number of households participating in the service expressed as a percentage of the number of households to whom the service is provided.

recyclable material means material reasonably able to be recovered, reprocessed and used as raw material.

66Y Other operators

- (1) This section applies to a person, other than a local government, if the person operates a kerbside recycling collection service in a local government area.
- (2) The person must, within 2 months after the end of each financial year in which the service operates, give the local government for the area the information mentioned in section 66X(2)(b) and (d) to (f).

Maximum penalty—20 penalty units.

- (3) The local government must give the information to the chief executive within 28 days after receiving it.

[s 66Z]

Division 4 Expiry

66Z Expiry of pt 6B

This part expires on 1 July 2010.

Part 7 Miscellaneous

Division 1 Other offences

67 Prohibition on use of non-complying waste equipment

- (1) This section applies to a person who is—
 - (a) the holder of, or a person acting under, a registration certificate or an environmental authority for carrying out an environmentally relevant activity for waste management under the *Environmental Protection Regulation 1998*, schedule 1, items 75 to 85; or
 - (b) a person who performs waste management works under section 369 of the Act.
- (2) In carrying out the activity or performing the works, the person must not use waste equipment for which design rules are specified in schedule 8 unless the equipment complies with the design rules.

Maximum penalty—40 penalty units.

68 Requirements for transporting waste

A person who transports waste in a vehicle must ensure the waste is loaded in a way that prevents its release from the vehicle into the environment.

Maximum penalty—20 penalty units.

Division 2 Devolution of powers

68A Devolution—waste management

The administration and enforcement of part 2A is devolved to each local government for its local government area.

68AA Devolution—waste receipt and disposal

The administration and enforcement of part 3, to the extent it relates to a waste facility owned, operated or otherwise controlled by a local government, is devolved to that local government.

68B Devolution—non-complying waste equipment

- (1) The administration and enforcement of section 67(2) in relation to a person mentioned in section 67(1)(b) is devolved to the relevant local government for the land on which the waste management works are performed.
- (2) However, the administration and enforcement of the section is not devolved if the person is also a person mentioned in section 67(1)(a).

Division 3 Review of decisions and appeal

68C Review and appeal decisions

Chapter 11, part 3 of the Act applies to the following decisions as if the decision were a decision mentioned in schedule 1, part 2 of the Act—

- (a) the following decisions of the administering executive—
 - (i) a decision, under section 37, to refuse a way of giving information;

[s 68D]

- (ii) a decision, under section 38, to refuse an application for a consignment number for the transportation of trackable waste;
- (b) the following decisions of the administering authority—
 - (i) a decision, under section 39, to refuse an application for an exemption for the transportation of particular trackable waste;
 - (ii) a decision, under section 64, to refuse an application for an exemption for the use of equipment containing concentrated PCB material;
 - (iii) a decision, under section 66C, to ask for further information;
 - (iv) a decision, under section 66H, to refuse to transfer the benefit of an approval;
 - (v) a decision, under section 66I, to amend an approval;
 - (vi) a decision, under section 66J, to cancel or suspend an approval;
 - (vii) a decision, under section 66U, to request information to decide a claim for an exemption on the ground of commercial confidentiality;
 - (viii) a decision, under section 66V, to refuse to grant a claim for exemption on the ground of commercial confidentiality.

68D Dissatisfied persons

For section 68C, the dissatisfied person is—

- (a) for a decision mentioned in section 68C(a) and (b)(i) to (iv)—the applicant; and
- (b) for a decision mentioned in section 68C(b)(v) and (vi)—a person who has the benefit of the approval; and
- (c) for a decision mentioned in section 68C(b)(vii)—the person to whom the request is given; and

- (d) for a decision mentioned in section 68C(b)(viii)—the person whose claim is refused.

Division 4 Registers

68E Register of approvals of a resource or type of resource

- (1) This section applies to—
 - (a) an approval of a resource, or type of resource, under section 13(4) of the Act, granted under section 66F or on the administering authority's own initiative; and
 - (b) a refusal of an approval of a resource, or type of resource, under section 66G.
- (2) The administering authority must keep a register of the approvals and refusals.
- (3) The register must include details of any conditions imposed under section 66M on an approval.

68F Other registers

- (1) The administering executive must keep a register of approvals, under section 37, of a way of giving information to the administering authority.
- (2) The administering authority must keep a register of the following—
 - (a) an exemption granted under section 39 or 64;
 - (b) information notified under section 61.

Part 8 Transitional provisions

69 Transitional—definition *trackable waste* for intrastate transportation

- (1) This section applies in relation to part 4, division 3, subdivision 1 (the *intrastate transport provisions*).
- (2) Despite schedule 1, in the intrastate transport provisions—*trackable waste* does not include waste of any the following types—
 - clinical and related waste (R100)
 - grease trap waste (K110)
 - liquid food processing waste (K200)
 - mineral oils (J100)
 - oil and water mixtures or emulsions, or hydrocarbons and water mixtures or emulsions (J120)
 - pharmaceuticals, drugs and medicines (R120)
 - sewage sludge and residues, including nightsoil and septic tank sludge (K130)
 - tyres (T140).
- (3) This section applies only until 30 June 2002.

70 Transitional—clinical and related waste management plans

- (1) This section applies to a person who, on the commencement of section 43, is operating a facility mentioned in section 43.
- (2) Section 43 does not apply to the person for 12 months after the commencement.

71 Transitional—waste equipment

- (1) This section applies if—

- (a) immediately before the commencement of this section, a person mentioned in section 67 held an approval under the *Environmental Protection (Interim) Waste Regulation 1996* for waste equipment used by the person in carrying out the activity or performing the works; and
 - (b) after the commencement, design rules are stated in schedule 8 for the equipment.
- (2) The waste equipment is taken to be equipment that complies with the design rules.

72 Transitional—scheduled PCB waste in storage

- (1) This section applies to a person who, on the commencement of section 58, is storing scheduled PCB waste.
- (2) Section 58 applies to the person as if the person generated the waste on the day section 58 commenced.

73 Transitional—dealing with equipment that is no longer used

- (1) This section applies to a person who, on the commencement of section 66, owns equipment that—
 - (a) contains PCB material; and
 - (b) has been permanently removed from operational use.
- (2) Section 66 applies to the person as if the equipment was permanently removed from operational use on the day section 66 commenced.

Schedule 1 Trackable waste

section 17 and dictionary, definition *waste code*

Explanatory notes to sch 1

- 1 A substance is *trackable waste* if it is regulated waste of a type mentioned in this schedule.
- 2 If a substance falls under more than 1 item in this list, and the code for one of the items is marked with an asterisk, the code for the substance is the code marked with an asterisk.

Type of waste	Waste code
acidic solutions and acids in solid form.	B100
animal effluent and residues, including abattoir effluent and poultry and fish processing wastes	K100
antimony and antimony compounds	D170
arsenic and arsenic compounds	D130
asbestos	N220
barium compounds, other than barium sulphate	D290
basic (alkaline) solutions and bases (alkalis) in solid form. .	C100
beryllium and beryllium compounds.	D160
boron compounds.	D310
cadmium and cadmium compounds	D150
chemical waste arising from a research and development or teaching activity, including new or unidentified material and material whose effects on human health or the environment are not known	T100
chlorates.	D350

Type of waste	Waste code
chromium compounds (hexavalent and trivalent)	D140
clinical and related waste.	R100*
copper compounds.	D190
cyanides (inorganic).	A130
cyanides (organic)	M210
encapsulated, chemically-fixed, solidified or polymerised wastes.	N160*
ethers	G100
filter cake	N190
fire debris and fire washwaters	N140*
fly ash.	N150
grease trap waste	K110
halogenated organic solvents.	G150
highly odorous organic chemicals, including mercaptans and acrylates	M260
inorganic fluorine compounds, other than calcium fluoride	D110
inorganic sulfides.	D330
isocyanate compounds.	M220
liquid food processing waste	K200
lead and lead compounds.	D220
material containing polychlorinated biphenyls (PCBs), polychlorinated naphthalenes (PCNs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs)	M100
mercury and mercury compounds	D120
metal carbonyls	D100

Schedule 1

Type of waste	Waste code
mineral oils	J100
nickel compounds	D210
non-toxic salts	D300
oil and water mixtures or emulsions, or hydrocarbons and water mixtures or emulsions	J120
organic phosphorous compounds	H110
organic solvents, other than halogenated solvents.	G110
organohalogen compounds, other than another substance stated in this schedule	M160
perchlorates	D340
pharmaceuticals, drugs and medicines	R120*
phenols and phenol compounds, including chlorophenols	M150
phosphorus compounds, other than mineral phosphates	D360
polychlorinated dibenzo-furan (any congener)	M170
polychlorinated dibenzo-p-dioxin (any congener).	M180
residues from industrial waste treatment or disposal operations.	N205
selenium and selenium compounds	D240
sewage sludge and residues, including nightsoil and septic tank sludge.	K130
surface active agents (surfactants) containing principally organic constituents, whether or not also containing metals and other inorganic materials.	M250
tannery wastes, including leather dust, ash, sludges and flours	K140

Type of waste	Waste code
tarry residues arising from refining, distillation and any pyrolytic treatment.	J160
tellurium and tellurium compounds.	D250
thallium and thallium compounds	D180
triethylamine catalysts for setting foundry sands	M230
tyres	T140
vanadium compounds	D270
waste containing peroxides other than hydrogen peroxide . .	E100
waste from a heat treatment or tempering operation that uses cyanides	A110
waste from surface treatment of metals or plastics	A100
waste from the manufacture, formulation or use of—	
• biocides or phytopharmaceuticals	H100
• inks, dyes, pigments, paints, lacquers or varnish . .	F100
• organic solvents.	G160
• photographic chemicals or processing materials. .	T120
• resins, latex, plasticisers, glues or other adhesives	F110
• wood-preserving chemicals.	H170
waste from the manufacture or preparation of pharmaceutical products	R140
waste of an explosive nature, other than an explosive within the meaning of the <i>Explosives Act 1999</i>	E120
wool scouring wastes.	K190
zinc compounds	D230

Schedule 2 Prescribed information for waste tracking

section 19

1 Generator

- (1) This section states the prescribed information for sections 23 and 32 of the regulation.
- (2) The generator must give the following information to the transporter—
 - the generator's—
 - name, address, local government area and contact details; or
 - generator identification number
 - the name, address and contact details of the person to whom the waste is to be transported
 - the day and time the generator gives the waste to the transporter for transporting
 - the load number
 - for a load of waste transported to a receiver outside Queensland—the consignment number for the load
 - if the waste is dangerous goods—the type and number of containers in which the waste is contained
 - the following details of the waste—
 - the type of waste
 - the amount, expressed as a stated number of kilograms or litres
 - its physical nature (solid, liquid, paste or gas)
 - its waste code
 - if the waste is dangerous goods—
 - its UN number

- its packing group designator
 - its dangerous goods class and any subsidiary risk
 - the waste origin code for the activity that generated the waste.
- (3) The generator must record, and must give to the administering authority, the following information—
- the information mentioned in subsection (2)
 - the transporter's name, address and contact details
 - the transporter's environmental authority number or registration certificate number
 - if the vehicle used to transport the waste is a motor vehicle—its registration number.

2 Transporter

- (1) This section states the prescribed information for sections 24 and 28 of the regulation.
- (2) The transporter must give the following information to the receiver—
- the information mentioned in section 1(2) received from the generator
 - for a load of waste transported from a generator outside Queensland—the consignment number for the load
 - the transporter's name, address and contact details
 - the transporter's environmental authority number or registration certificate number
 - if the vehicle used to transport the waste is a motor vehicle—its registration number
 - any jurisdiction, other than Queensland, in which the waste has been transported
 - the day and time the transporter gives the waste to the receiver.

- (3) The transporter must record the following information—
- the information mentioned in subsection (2)
 - the receiver's name, address and contact details
 - the receiver's environmental authority number or registration certificate number.

3 Receiver

- (1) This section states the prescribed information for sections 25 and 29 of the regulation.
- (2) The receiver must record the following information—
- the information mentioned in section 2(2) received from the transporter
 - the amount of waste received, expressed as a stated number of kilograms or litres
 - whether the waste is received for recycling, conversion to energy, another type of treatment, storage or disposal
 - the disposal or treatment code for the operation for which the waste is being received.
- (3) The receiver must give the following information to the administering authority—
- the information mentioned in subsection (2)
 - the receiver's name, address and contact details
 - the receiver's environmental authority number or registration certificate number.

**Schedule 3 National environment
protection (movement of
controlled waste between
States and Territories)
measure, schedule A, list 2**

schedule 9, definition *environmentally significant characteristic*

**Schedule A List 2: Characteristics of
controlled wastes**

**Dangerous UN Code
Goods
Class (UN
Class)**

1 H1 Explosive

An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.

**Dangerous UN Code
Goods
Class (UN
Class)**

3 H3 Flammable Liquids

The word *flammable* has the same meaning as *inflammable*. Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off flammable vapour at temperatures of not more than 60.5 degrees Celsius, closed-cup test, or not more than 65.6 degrees Celsius, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowances for such differences would be within the spirit of the definition.)

4.1 H4.1 Flammable solids

Solids or waste solids, other than those classified as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.

4.2 H4.2 Substances or wastes liable to spontaneous combustion

Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up in contact with air, and being then liable to catch fire.

**Dangerous UN Code
Goods
Class (UN
Class)**

- 4.3 H4.3 Substances or wastes which, in contact with water, emit flammable gases
- Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
- 5.1 H5.1 Oxidising
- Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen, cause or contribute to, the combustion of other materials.
- 5.2 H5.2 Organic peroxides
- Organic substances or wastes which contain the bivalent-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
- 6.1 H6.1 Poisonous (acute)
- Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.
- 6.2 H6.2 Infectious substances
- Substances or wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.
- 8 H8 Corrosives
- Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.

**Dangerous UN Code
Goods
Class (UN
Class)**




9	H10	Liberation of toxic gases in contact with air or water Substances or wastes which, by liberation with air or water, are liable to give off toxic gases in dangerous quantities.
9	H11	Toxic (delayed or chronic) Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
9	H12	Ecotoxic Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.
9	H13	Capable of yielding another material which possesses H1-H12 Capable by any means, after disposal, of yielding another material, eg., leachate, which possesses any of the characteristics listed above. Other Reasons Potential to have a significant adverse impact on ambient air quality. Potential to have a significant adverse impact on ambient marine, estuarine or freshwater quality.

Editor's note—

UN Class and Code relates to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods as used in Australia.

Schedule 4 Design requirements for waste containers

section 47

Waste	Container	Symbol colour	Symbol	Identification
clinical	yellow	black		clinical waste
cytotoxic	purple	white		cytotoxic waste-incinerate at 1100°C
general	—	—	—	general waste
radio- active	red	black		radioactive waste

Schedule 5 Treatment and disposal of clinical and related waste

section 52

Waste type	Treatment and disposal process						
	Incineration	Auto-claving and shredding	Chemical disinfection using Hypochlorite and shredding	Chemical disinfection using Peroxide, Lime and shredding	Microwave and shredding	Compaction	Landfill
chemical	yes (if licensed)	no	no	no	no	no	no
cytotoxic	yes	no	no	no	no	no	no
human body parts	yes	no	no	yes	no	no	no
pharmaceutical	yes	no	no	no	no	no	no
radioactive	no	no	no	no	no	no	no
treated clinical	—	—	—	—	—	yes	yes
untreated clinical	yes	yes	yes	yes	yes	yes (other than animal carcasses and sharps)	no (other than in a scheduled area)

Schedule 6 Disposal and treatment codes for waste tracking

schedule 9, definitions *disposal code* and *treatment code*

Part 1 Disposal codes

The following ways of dealing with waste do not allow the possibility of resource recovery, recycling, reclamation, direct re-use or an alternative use of the waste.

	Disposal code
disposal to a landfill	D1
land farming	D2
surface impoundment	D4
biological treatment in a way not otherwise mentioned in this part	D8
immobilisation or solidification	D9A
physico/chemical treatment other than immobilisation or solidification	D9B
incineration	D10
permanent storage	D12
blending or mixing before disposal in another way mentioned in this part	D13
repackaging before disposal in another way mentioned in this part	D14
storage before disposal in another way mentioned in this part	D15

Part 2 Treatment codes

The following ways of dealing with waste may allow the possibility of resource recovery, recycling, reclamation, direct re-use or an alternative use of the waste.

	Treatment code
using waste as a fuel, other than by direct incineration .	R1
recycling or reclaiming a substance, other than a substance mentioned in items R6 to R8, if it is—	
• an organic substance used as a solvent	R2
• an organic substance not used as a solvent	R3
• a metal or metal compound other than a drum .	R4
• an inorganic substance other than a metal or metal compound	R5
recycling or reclaiming—	
• an acid or base	R6
• a component used for pollution abatement	R7
• a component from a catalyst	R8
refining used oil or otherwise using previously used oil	R9
using a residual trackable waste obtained from treatment in another way mentioned in this part	R11
storage before treatment in another way mentioned in this part	R13
recycling, reconditioning or laundering of drums	R14

Schedule 7 Waste origin codes for waste tracking

schedule 9, definition *waste origin code*

Note—This schedule is derived from the Australian and New Zealand Standard Industrial Classification 1993, Australian Catalogue No. 1292.0, published by the Australian Bureau of Statistics.

A Agriculture, forestry and fishing

Agriculture

- 011 horticulture and fruit growing
- 012 grain, sheep and beef cattle farming
- 013 dairy cattle farming
- 014 poultry farming
- 015 other livestock farming
- 016 other crop growing

Services to agriculture, hunting and trapping

- 021 services to agriculture
- 022 hunting and trapping

Forestry and logging

- 030 forestry and logging

Commercial fishing

- 041 marine fishing
- 042 aquaculture

B Mining

Coal mining

110 coal mining

Oil and gas extraction

120 oil and gas extraction

Metal ore mining

131 metal ore mining

Other mining

141 construction material mining

142 other mining

Services to mining

151 exploration

152 other mining services

C Manufacturing

Food, beverage and tobacco manufacturing

211 meat and meat product manufacturing

212 dairy product manufacturing

213 fruit and vegetable processing

214 oil and fat manufacturing

215 flour mill and cereal food manufacturing

216 bakery product manufacturing

217 other food manufacturing

218 beverage and malt manufacturing

219 tobacco product manufacturing

Textile, clothing, footwear and leather manufacturing

221 textile fibre, yarn and woven fabric manufacturing

222 textile product manufacturing

223 knitting mills

224 clothing manufacturing

225 footwear manufacturing

226 leather and leather product manufacturing

Wood and paper product manufacturing

231 log sawmilling and timber dressing

232 other wood product manufacturing

233 paper and paper product manufacturing

Printing, publishing and recorded media

241 printing and services to printing

242 publishing

243 recorded media manufacturing and publishing

Petroleum, coal, chemical and associated product manufacturing

251 petroleum refining

252 petroleum and coal product manufacturing not otherwise mentioned in this schedule

253 basic chemical manufacturing

254 other chemical product manufacturing

255 rubber product manufacturing

256 plastic product manufacturing

Schedule 7

Non-metallic mineral product manufacturing

- 261 glass and glass product manufacturing
- 262 ceramic product manufacturing
- 263 cement, lime, plaster and concrete product manufacturing
- 264 non-metallic mineral product manufacturing not otherwise mentioned in this schedule

Metal product manufacturing

- 271 iron and steel manufacturing
- 272 basic non-ferrous metal manufacturing
- 273 non-ferrous basic metal product manufacturing
- 274 structural metal product manufacturing
- 275 sheet metal product manufacturing
- 276 fabricated metal product manufacturing

Machinery and equipment manufacturing

- 281 motor vehicle and part manufacturing
- 282 other transport equipment manufacturing
- 283 photographic and scientific equipment manufacturing
- 284 electronic equipment manufacturing
- 285 electrical equipment and appliance manufacturing
- 286 industrial machinery and equipment manufacturing

Other manufacturing

- 291 prefabricated building manufacturing
- 292 furniture manufacturing
- 294 other manufacturing

D Electricity, gas and water supply

Electricity and gas supply

361 electricity supply

362 gas supply

Water supply, sewerage and drainage services

370 water supply, sewerage and drainage services

E Construction

General construction

411 building construction

412 non-building construction

Construction trade services

421 site preparation services

422 building structure services

423 installation trade services

424 building completion services

425 other construction services

F Wholesale trade

Basic material wholesaling

451 farm produce wholesaling

452 mineral, metal and chemical wholesaling

453 builders' supplies wholesaling

Machinery and motor vehicle wholesaling

- 461 machinery and equipment wholesaling
- 462 motor vehicle wholesaling

Personal and household good wholesaling

- 471 food, drink and tobacco wholesaling
- 472 textile, clothing and footwear wholesaling
- 473 household good wholesaling
- 479 other wholesaling

G Retail trade

Food retailing

- 511 supermarket and grocery stores
- 512 specialised food retailing

Personal and household good retailing

- 521 department stores
- 522 clothing and soft good retailing
- 523 furniture, houseware and appliance retailing
- 524 recreational good retailing
- 525 other personal and household good retailing
- 526 household equipment repair services

Motor vehicle retailing and services

- 531 motor vehicle retailing
- 532 motor vehicle services

H Accommodation, cafes and restaurants

Accommodation, cafes and restaurants

- 571 accommodation
- 572 pubs, taverns and bars
- 573 cafes and restaurants
- 574 clubs (hospitality)

I Transport and storage

Road transport

- 611 road freight transport
- 612 road passenger transport

Rail transport

- 620 rail transport

Water transport

- 630 water transport

Air and space transport

- 640 air and space transport

Other transport

- 650 other transport

Services to transport

- 661 services to road transport
- 662 services to water transport

Schedule 7

- 663 services to air transport
- 664 other services to transport

Storage

- 670 storage

J Communication services

Communication services

- 711 postal and courier services
- 712 telecommunication services

K Finance and insurance

Finance

- 731 central bank
- 732 deposit taking financiers
- 733 other financiers
- 734 financial asset investors

Insurance

- 741 life insurance and superannuation funds
- 742 other insurance

Services to finance and insurance

- 751 services to finance and investment
- 752 services to insurance

L **Property and business services**

Property services

- 771 property operators and developers
- 772 real estate agents
- 773 non-financial asset investors
- 774 machinery and equipment hiring and leasing

Business services

- 781 scientific research
- 782 technical services
- 783 computer services
- 784 legal and accounting services
- 785 marketing and business management services
- 786 other business services

M **Government administration and
defence**

Government administration

- 811 government administration
- 812 justice
- 813 foreign government representation

Defence

- 820 defence

N Education

Education

- 841 preschool education
- 842 school education
- 843 post school education
- 844 other education

O Health and community services

Health services

- 861 hospitals and nursing homes
- 862 medical and dental services
- 863 other health services
- 864 veterinary services

Community services

- 871 child care services
- 872 community care services

P Cultural and recreational services

Motion picture, radio and television services

- 911 film and video services
- 912 radio and television services

Libraries, museums and the arts

- 921 libraries
- 922 museums

923 parks and gardens

924 arts

925 services to the arts

Sport and recreation

931 sport

932 gambling services

933 other recreation services

Q Personal and other services

Personal services

951 personal and household goods hiring

952 other personal services

Other services

961 religious organisations

962 interest groups

963 public order and safety services

Private households employing staff

970 private households employing staff

Schedule 8 Design rules

sections 10N and 67

Part 1 Waste containers and waste transport vehicles

Division 1 Preliminary

- 1 This part applies to rigid-walled waste containers and waste transport vehicles.

Division 2 General rules applicable to rigid-walled waste containers and waste transport vehicles

- 2 This division sets out general rules applicable to a waste container or a vehicle used for transporting waste.
- 3 It must be designed in a way that ensures—
 - (a) it performs the intended function when used in accordance with the manufacturer's instructions; and
 - (b) waste does not spill from it during usual usage or servicing; and
 - (c) it is not adversely affected by environmental conditions, including, for example, heat, humidity or sunlight; and
 - (d) it is not adversely affected by the cleaning procedures specified by the manufacturer.
- 4 The inner surfaces must be smooth, free of recesses and be able to be readily cleaned.
- 5 The inner surfaces must be designed to allow easy removal of waste.

-
- 6 If it has internal seams, the seams must be fully welded.
- 7 The following matters must be taken into account in designing it—
- (a) the type of waste to be collected, removed or conveyed;
 - (b) the likelihood of abrasion by solid waste;
 - (c) the likelihood of chemical attack;
 - (d) the need to exclude rain or other liquid that may be likely to leach a contaminant from the waste.
- 8 It must be constructed of a material that will not undergo a change that impairs its life or performance when it comes into contact with waste.
- 9 If it is constructed from plastic, the plastic must be UV resistant for the container's life.
- 10 If it is a waste container or waste transport compartment within a waste transport vehicle, it must be constructed—
- (a) of a durable material that is capable of withstanding normal operating conditions; and
 - (b) in a way that ensures it minimises the entry of insects and vermin.
- 11 If it is a container designed for use to transport waste, it must be designed in a way that provides a permanent way of securing the lid so that waste is not released during transportation.

Division 3 Specific design principles for plastic bags used for clinical and related waste

- 12 This division applies to plastic bags used for clinical and related waste.
- 13 It must have sufficient strength to safely contain the waste it is designed to hold.

Schedule 8

- 14 It must be designed to allow for secure final closure when the bag is filled to a maximum of two-thirds of its capacity or 6kg, whichever is the lesser.
- 15 It must not be designed with closure devices that have sharp protuberances, including, for example, staples.

Division 4 Specific design principles for skip bins

- 16 This division applies to a skip bin.
- 17 It must be designed to receive only inert, non-putrescible waste.
- 18 It must be designed in a way that ensures it minimises the entry of vermin and other animals.
- 19 It must be designed so as to be capable of being covered during the transportation of waste.
- 20 It must be designed to prevent the release of rainwater that has been in contact with waste materials in the bin.
- 21 It must be designed so as to be able to be secured to the vehicle used for transporting the bin.

Division 5 Specific design principles for waste transport vehicles

- 22 This division applies to a vehicle used for transporting waste.
- 23 If the vehicle is to be used for transporting waste in containers, the vehicle design must include a permanent method of securing the containers in an upright position.
- 24 If the vehicle incorporates a tanker body, the vehicle must be designed in a way that ensures—
- (a) each discharge point on the body is protected from possible damage; and

- (b) each discharge point is capable of being locked in the off position; and
- (c) it is fitted with signs detailing the direction and movement needed to shut the discharge and loading valves; and
- (d) effective covers are provided for all manholes; and
- (e) the manhole covers are capable of being secured at all times when the manholes are not being used; and
- (f) a storage area is provided for the vehicle's hoses.

Part 2 Chemical, composting and incinerating toilets

Division 1 General rules applicable to chemical, composting and incinerating toilets

- 25 (1) This part applies to chemical, composting and incinerating toilets.
- (2) This part sets out general design rules applicable to chemical, composting and incinerating toilets.
- 26 It must be designed in a way that ensures it—
- (a) performs the intended function when installed and operated according to the manufacturer's instructions; and
 - (b) does not allow untreated waste to come into contact with any person, or spill from it, when it is being operated, maintained, removed or cleaned; and
 - (c) is not adversely affected by the environment in any reasonably foreseeable installation site, including, for example, by heat, humidity, gases or sunlight.
- 27 The inner surfaces must be smooth, free of recesses, able to be readily cleansed and allow for easy removal of nightsoil.

Schedule 8

- 28 It must be fabricated to—
- (a) preclude infiltration of rain or groundwater; and
 - (b) prevent escape of liquids other than through standard designed openings.
- 29 It must be constructed of durable material and capable of withstanding normal operating conditions.

**Division 2 Specific rules applicable to
chemical toilets**

- 30 This division applies to a chemical toilet.
- 31 The cabinet must be constructed to allow all waste liquids or spills to be contained and trapped to prevent the liquids or spill being released outside the cabinet.
- 32 The cabinet floor must be—
- (a) made of an impervious, rigid, washable and corrosion resistant material; and
 - (b) unbroken and slip resistant; and
 - (c) raised above ground level.
- 33 The cabinet must comply with the minimum floor dimensions and minimum useable floor area set out in the Building Code of Australia.
- 34 The cabinet roof must be constructed from a material that is smooth, impervious, impact and corrosion resistant, translucent and washable.
- 35 The cabinet door must be—
- (a) constructed from a material that is impervious, opaque, impact and corrosion resistant and washable; and
 - (b) fitted to ensure privacy; and
 - (c) able to be latched closed from the inside and outside.
- 36 The cabinet must have adequate cross ventilation.

-
- 37 If it is a freestanding unit the cabinet must be fitted with suitable lifting loops or points to facilitate loading and off loading from a delivery vehicle.
- 38 The cabinet must be designed in a way that ensures it will remain structurally sound when lifted, hoisted or transported, including when the toilet is full.
- 39 The toilet bowl must be fitted with a water seal bowl incorporating a counterbalanced flap arrangement that, when closed, is capable of holding a minimal water seal.
- 40 It must not include straight-drop or recirculation of contaminated material.
- 41 It must have a toilet seat.
- 42 The cabinet must be designed to allow as much natural lighting as is possible in it.
- 43 The waste holding tank must be—
- (a) moulded in 1 piece from impervious and impact and corrosion resistant material; and
 - (b) finished in a way that provides a smooth surface internally and externally; and
 - (c) designed in a way that allows nightsoil and associated liquids to be easily removed; and
 - (d) designed in a way that allows it to be readily cleansed.
- 44 The holding tank must have a minimum capacity of 230L.
- 45 It must have a suitable draw off point through which the waste holding tank is emptied.
- 46 If the draw off point is on the outside of the toilet, it must be fitted with a device to enable emptying of the tank without spillage.
- 47 The draw off point must be secured so that it can not be tampered with or opened by a person, other than a person authorised by the local government for the area in which the toilet is to be located.
- 48 If it includes a urinal, the urinal must be—

- (a) suitably trapped into the waste holding tank; and
 - (b) capable of being flushed with clean water.
- 49 If it has a flushing mechanism, it must be—
- (a) effective; and
 - (b) watertight; and
 - (c) of durable quality; and
 - (d) capable of providing a minimum of 200ml for each flush.
- 50 If it includes a freshwater tank, the volume of the tank must be not less than 20% of the volume of the toilet's waste holding tank.
- 51 If the water tank is connected directly to a water supply, the toilet must be constructed with reticulation that provides a 40mm air break between the top water level and the water inlet.

Division 3 Composting toilets

- 52 This division applies to a composting toilet.
- 53 It must be designed to receive only nightsoil, newspaper, sawdust or other bulking agent, grass clippings and fruit and vegetable waste in accordance with the manufacturer's instructions.
- 54 It must be designed in a way that it is capable of producing a compost that—
- (a) is innocuous; and
 - (b) does not have a faecal and urine odour; and
 - (c) is friable and has a soil or compost consistency; and
 - (d) has not less than 25% but not more than 75% moisture content; and
 - (e) has less than 200 e coli per gram; and
 - (f) does not contain salmonella spp.; and
 - (g) has a carbon to nitrogen ratio of not less than 14 to 1.

-
- 55 It must be designed to provide continuous passive or forced ventilation of its storage or treatment chamber.
- 56 It must be designed for permanent installation.
- 57 If it is installed inside a dwelling, a fan must be installed to ensure the air pressure inside the toilet's composting chamber is less than the air pressure outside the toilet and within the closet.
- 58 If a fan is installed in a composting toilet, it must be—
- (a) capable of continuous operation; and
 - (b) provided with a back-up power device that provides at least 12 hours use if the original power source fails.
- 59 A ceiling exhaust fan must not be installed in a composting toilet closet.
- 60 If a fan or heating element is installed in a composting toilet, the toilet must be designed in a way that allows the fan or element to be replaced without a person coming into direct contact with composting nightsoil or compost.
- 61 The access door for the removal of compost from the composting chamber—
- (a) must be capable of being kept closed and locked; and
 - (b) must be designed in a way that ensures it is not practical to remove compost through the toilet's opening.
- 62 The composting chamber must be designed so that if it requires raking—
- (a) the raking can be performed without the need to enter the composting chamber; and
 - (b) it is not possible to rake through the opening.
- 63 If it is to be installed at a place where the temperature of the toilet could fall to less than 10°C, the toilet must be designed to include a way of keeping the compost temperature above 10°C.
- 64 If it includes separate chambers for compost production on a rotational basis, each chamber must be capable of being marked with the last date nightsoil was deposited in it.

- 65 It must be designed in a way that allows for easy removal of compost.
- 66 It must be designed in a way that ensures when removing compost it is not possible to contaminate compost with freshly deposited nightsoil.

Division 4 Incinerating toilets

- 67 This division applies to an incinerating toilet.
- 68 It must be fitted with an automatic safety valve to stop incineration.
- 69 If it uses gas, it must be fitted with—
- (a) a way of testing the gas pressure; and
 - (b) a cut-off switch that cuts off the gas supply when the pressure is more than the capacity for which the toilet has been designed; and
 - (c) a flame safeguard system; and
 - (d) a pilot turn-off provision; and
 - (e) a manual shut-off valve that is upstream from the other controls on the pilot and main burner lines.
- 70 If it uses gas, the burner ports, injectors and bleed line terminations must be protected against heat damage.
- 71 It must be fitted with a built-in draught diverter.
- 72 Its burner and ignition systems must be interlocked with the lid in a way that ensures the interlock system can not be bypassed.
- 73 The component parts, including, for example, its igniters, burner jet and sensing devices must be fitted in a way that ensures they are stable.
- 74 The insulation material—
- (a) must be fixed in a way that ensures it can not slip or become dislodged from the toilet; and
 - (b) must not contain asbestos; and

-
- (c) must be odour and fume free; and
 - (d) must not be reactive to the application for which it is being used.
- 75 The flue pipe must be designed in a way that ensures it does not block the flueways.
- 76 It must be designed in a way that ensures all parts requiring maintenance or adjustment are accessible after the toilet is installed.
- 77 It must be designed in a way that ensures its controls and working parts are easily used.
- 78 It must be designed in a way that ensures its control settings can not be accidentally disturbed.
- 79 It must be designed in a way that ensures after it is installed it is obvious when the burner is alight.
- 80 It must be designed with handles or knobs or parts that are removable, including, for example, the ash removal tray, to ensure a person removing the part has minimal contact with hot surfaces.
- 81 It must be designed to include an ash removal tray that is easy to remove and clean.
- 82 It must be designed in a way that ensures there are no sharp points or edges on parts with which the toilet is likely to come into contact during use or maintenance or removal or replacement of parts.
- 83 It must be designed in a way that ensures the incineration cycle does not alter the function of any components of the toilet.
- 84 It must be designed in a way that ensures the incineration cycle does not cause permanent deterioration of the toilet's surface finishes or surroundings.
- 85 It must be designed in a way that ensures it does not leak or spill.
- 86 It must be designed in a way that ensures during the incineration cycle or normal operation—
- (a) the flue effluents free from particulate matter; and
 - (b) the flue effluents free from faecal and urine odours; and

Schedule 8

- (c) no odours are released into the cabinet.
- 87 It must be designed to ensure that waste deposited onto the burning grid is reduced to ash in one firing cycle.
- 88 It must be capable of maintaining a CO/CO₂ ratio of less than 0.02.
- 89 It must be designed in a way that ensures if the burning cycle is interrupted, the toilet is capable of beginning a further completing burning cycle when the lid is closed.
- 90 It must be designed in a way that ensures sufficient inlet air is available to achieve efficient and effective combustion.

Schedule 8A Requirements for particular prescribed sanitary conveniences

section 10N

Part 1 Requirements for closets

1 General construction

A closet must—

- (a) have walls and a roof that are weatherproof; and
- (b) be of sound and substantial construction and securely braced; and
- (c) be adequately lighted and ventilated; and
- (d) be constructed in a way that ensures privacy.

2 Foundations

- (1) If the floor of a closet is laid on ground level, concrete or brick baffle walls sunk 600mm below the ground level must be provided on all sides to prevent rats burrowing under the closet.
- (2) If a closet is a separate building, the brick, concrete, wooden, or metal stumps on which the closet is constructed must not be less than 300mm above the level of the ground for allowing air to flow freely around the closet and deterring vermin harbouring under the closet.

3 Floors

- (1) If the floor of a closet is laid on ground level, the floor must be concrete, rendered to a smooth surface, and laid with a fall of 25mm from the rear wall alignment to the front alignment.

- (2) The upper surface of the floor must not be less than 75mm above ground level.
- (3) If a closet is erected on brick, concrete, wooden, or metal stumps, the floor of the closet must be constructed of 150mm by 25mm shot-edged hardwood or other suitable flooring securely nailed to sole plates and joists.

4 Dimensions of closet compartment

The walls of a closet must be at least 2275mm high measured at the lowest part, and the closet compartment must not be less than 1500mm long, and 1000mm wide, inside measurement, clear of studs.

5 Doors

- (1) A closet must have a securely hinged door capable of being fastened from the inside, and hung so as to be self-closing.
- (2) The door when shut must show an open space of not more than 15mm wide at its top next to the lintel and 20mm clearance at the floor level.

6 Internal painting

The internal wall surfaces of a closet must be painted with at least 2 coats of a light-coloured gloss paint.

Part 2 Requirements for pan cabinets

7 Internal measurements

A pan cabinet must be constructed in accordance with the following internal measurements—

- (a) the height must be 432mm from the underside or bottom of the flooring boards to the underside of the seat;

- (b) for a cabinet constructed for a pan of 300mm diameter—the width must be 387mm measured clear of the internal surfaces of the side framing timber;
- (c) for a cabinet constructed for a pan of 350mm diameter—
 - (i) the width must be 438mm measured clear of the internal surfaces of the side framing timber; and
 - (ii) the depth must be 380mm measured clear of the internal surface of the rear framing timber and the front edge of the flooring timber.

8 Materials to be used in construction

- (1) A pan cabinet must be constructed of the following materials—
 - (a) for the frame—50mm by 25mm timber;
 - (b) for the sides and door—19mm thick, tongued and grooved pine;
 - (c) for the floor—100mm by 25mm shot-edged hardwood;
 - (d) for the seat—solid 25mm timber or moulded material;
 - (e) for the pan runners—38mm by 25mm hardwood;
 - (f) for the lid—25mm timber;
 - (g) for the pan stop—50mm by 25mm timber;
 - (h) for the door ledges—75mm by 25mm timber;
 - (i) for the door rebates—12mm by 12mm timber;
 - (j) for the vent pipe—75mm diameter galvanised iron of 0.50mm thickness.
- (2) All timbers used in the construction of a pan cabinet must be well seasoned and planed to a smooth surface.

9 Method of construction

- (1) A pan cabinet must be constructed as follows—

- (a) the hardwood floor must be tightly cramped, securely nailed to the lower framing pieces and placed on edge, for each side panel and the rear panel;
- (b) the tongued and grooved pieces for the 2 side panels and the rear panel must be securely nailed to their upper framing pieces and assembled by being securely nailed to the lower framing pieces attached to the floor, and along the vertical butt joints of the side panels with the rear panel;
- (c) the 2 hardwood pan runners must be securely nailed to the floor and sufficiently spaced to allow the pan to slide smoothly over them and support the pan evenly in its position;
- (d) blocks of 50mm by 25mm material must be centrally fixed to the upper and lower framing pieces in the rear panel as a stop for the pan when pushed into position;
- (e) blocks of material similar to the material mentioned in paragraph (d) must also be fixed to—
 - (i) the upper and lower framing pieces of each side panel as guides for centralising the pan in the cabinet; and
 - (ii) the upper framing timber of each side panel so that the blocks are 100mm clear of the rear panel frame timber and do not obstruct the vent pipe opening in the seat;
- (f) 2 front corner uprights of 63mm by 19mm timber must be securely nailed to the side panels and the floor and 25mm by 12mm stops must be securely fixed to the rear surface of the uprights, protruding 12mm beyond the edge of the uprights, so as to provide vertical rebates for the door when it is closed;
- (g) the seat of the cabinet must be cut to size to allow a nosing of not more than 5mm to project beyond the front and side vertical surfaces of the cabinet and must be securely nailed to the side and rear panels and the 2 front uprights;

- (h) a piece of 25mm by 12mm timber must be nailed to the under side of the seat in a position that will provide a stop for the upper edge of the door when it is closed;
- (i) the opening in the seat must be elliptical in form, measuring 265mm by 225mm and finished with a well-bevelled edge;
- (j) the width between the outer edge of the seat nosing and the front of the cabinet seat aperture must not be less than 100mm;
- (k) a 75mm hole for the vent pipe must be bored near the back corner of the seat;
- (l) a strongly hinged fly-proof lid 300mm long and 175mm wide must be fastened to an anchor piece of 75mm by 25mm timber fixed to the upper rear edge of the seat;
- (m) the lid must be hinged 3mm clear of the anchor piece to ensure that it can at all times close flat on the seat surface and be fly-proof when closed;
- (n) the door must be fastened by means of strong hinges to 1 of the front uprights, and a turn button must be fixed to the other front upright in a way that ensures the door can be kept tightly closed;
- (o) a suitable handle must be fitted to the door to allow it to be opened easily;
- (p) near the bottom of the door and above the level of the cabinet floor, 4 holes of 35mm diameter (*inlet holes*) must be bored for air inlets;
- (q) the inlet holes must be covered on the inside with fly-proof gauze of brass, bronze, fibreglass or other corrosion-resistant material;
- (r) a galvanised iron ventilating pipe 0.5mm thick and 75mm in diameter must be—
 - (i) fitted to the vent opening provided near the back corner of the seat; and
 - (ii) extended close to the back wall of the closet through the roof; and

- (iii) finished off square at least 300mm above the roof; and
 - (iv) finished with a cowl on top;
 - (s) the bottom end of the ventilating pipe must be flush with the underside of the seat and, where the pipe passes through the seat, it must be securely fixed in position to prevent the vent pipe slipping down;
 - (t) all internal and external surfaces of the cabinet must be painted with at least 2 coats of light-coloured gloss paint.
- (2) If closets are built in rows or groups, each pan cabinet must be separately ventilated in the way stated in subsection (1).

Part 3 Requirements for pans

10 Materials and method of construction

- (1) A pan must be—
 - (a) constructed of galvanised iron that is 0.5mm thick or of plastic material of an equivalent standard; and
 - (b) cylindrical or slightly tapered in shape.
- (2) A cylindrical pan must be either of the following dimensions—
 - (a) 300mm in diameter by 350mm high;
 - (b) 350mm in diameter by 350mm high.
- (3) A tapered pan must be—
 - (a) 350mm high; and
 - (b) either of the following diameters—
 - (i) 350mm at the open end tapering to not less than 330mm at the base end;

- (i) 300mm at the open end tapering to not less than 280mm at the base end.
- (4) A pan must be fitted with at least 1 side handle and must have a suitable rim or lugs for affixing a watertight lid.
- (5) A pan must be fitted with a suitable metal or plastic lid that—
 - (a) is provided with—
 - (i) an inset rubber seal or seal of other suitable material; and
 - (ii) a means by which the lid can be suitably affixed to the open rim or lugs of the pan; and
 - (b) provides a watertight seal when affixed to the pan in a way that prevents leakage from the pan regardless of the position of the pan.

Schedule 9 Dictionary

section 3

ADG code means the seventh edition of the Australian Code for the Transport of Dangerous Goods by Road and Rail, prepared by the National Road Transport Commission.

animal waste means any discarded materials, including carcasses, body parts, blood or bedding, originating from animals contaminated with an agent infectious to humans or from animals inoculated during research, production of biologicals or pharmaceutical testing with infectious agents.

approved waste removal entity means a person who removes, collects or transports waste under an approval from a local government under section 369A of the Act.

blood bank means premises or a vehicle for receiving blood donations.

cesspit means a pit or an excavation in the ground under a closet that is used or intended to be used for depositing nightsoil, but does not include a septic tank or other device in which nightsoil is treated.

chemical toilet means a toilet that collects nightsoil in a holding tank where it is treated with a chemical disinfectant.

chemical waste means waste generated from the use of chemicals in medical, dental, veterinary and laboratory procedures, including, for example, mercury, formalin and gluteraldehyde.

clinical waste means waste that has the potential to cause disease, including, for example, the following—

- (a) animal waste;
- (b) discarded sharps;
- (c) human tissue waste;
- (d) laboratory waste.

closet means a structure that is used or intended to be used in connection with receiving nightsoil, other than a water-closet or urinal connected to a sewer or septic tank.

commercially means carried out for fee or reward.

commercial premises means any of the following types of premises—

- (a) a hotel, motel, caravan park, cafe, food store or canteen;
- (b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;
- (c) premises where a sport or game is ordinarily played in public;
- (d) an exhibition ground, show ground or racecourse;
- (e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.

commercial waste means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

composting toilet means a toilet that uses a process of biological degradation to convert nightsoil into a humus-like substance through the aerobic action of micro-organisms and invertebrates and includes all pipes, apparatus, vents, trays and chutes used in connection with the toilet.

consignment number means—

- (a) for a load of waste transported from a generator outside Queensland—the number assigned to the load under section 38; or
- (b) for a load of waste transported to a receiver outside Queensland—any number assigned as a consignment number for the load under an equivalent law of the jurisdiction.

cytotoxic drug means a drug known to have carcinogenic, mutagenic or teratogenic potential.

cytotoxic waste means waste that is contaminated by a cytotoxic drug.

dangerous goods means a substance listed in the ADG code as dangerous goods.

dangerous goods class, for trackable waste, means the dangerous goods class applying to the waste under the ADG code.

disposal code, for a way of disposing of waste, means the relevant code stated in schedule 6.

domestic clean-up waste means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.

domestic premises means any of the following types of premises—

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units;
- (c) a boarding house, hostel, lodging house or guest house.

domestic waste means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

endangered wildlife has the meaning given by the *Nature Conservation Act 1992*, schedule.

environmentally significant characteristic means a characteristic mentioned in the NEPM, schedule A, list 2, a copy of which is set out in schedule 3.

free-flowing, for blood, blood products or human body fluids, means blood, blood products or body fluids that is flowing, dripping, oozing, liquid or able to be squeezed from material.

general waste means—

- (a) generally, waste other than regulated waste; or
- (b) for part 2A, any of the following—

- (i) commercial waste;
- (ii) domestic waste;
- (iii) recyclable waste.

generator, of trackable waste, see section 18.

generator identification number, of a person, means the number assigned to the person under section 42.

green waste means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

hospital has the meaning given by the *Health Services Act 1991*, section 2 and includes a dental hospital or hospice.

human body parts means recognisable organs, bones and gross body parts but does not include teeth, gums, hair, nails or bone fragments.

human tissue waste means the following—

- (a) tissue, blood, blood products and other body fluids that are removed from a person during surgery, an autopsy or another medical procedure;
- (b) tissue, blood, blood products and other body fluids that are removed from a person during post-operative care or treatment;
- (c) specimens of tissue, blood, blood products and other body fluids and containers in which the specimens are kept;
- (d) discarded material saturated with, or containing free-flowing blood and other body fluids.

incinerating toilet means a toilet that uses gas or electricity to treat nightsoil.

industrial waste means—

- (a) interceptor waste; or
- (b) waste other than the following—
 - (i) commercial waste;

- (ii) domestic clean-up waste;
- (iii) domestic waste;
- (iv) green waste;
- (v) recyclable interceptor waste;
- (vi) recyclable waste;
- (vii) waste discharged to a sewer.

infectious agent means an organism, including a micro-organism or worm, that causes disease or another adverse health impact in humans.

interceptor means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

Examples of interceptors—

- neutralising interceptors for neutralising acidic and alkaline substances
- grease interceptors for collecting and solidifying fat, grease and similar matter
- oil interceptors for collecting oil and petroleum products
- silt interceptors for collecting soil, sand, gravel and other sedimentary solids

interceptor waste means matter, other than recyclable interceptor waste, intercepted by, and held in, an interceptor.

laboratory, for part 5, means a building, or part of a building, used or intended to be used for scientific work that may generate clinical waste.

laboratory waste means a specimen or culture discarded in the course of dental, medical or veterinary practice or research, including material that is, or has been contaminated by, genetically manipulated material or imported biological material.

licensed, for schedule 5, means the person who operates the premises holds, or is acting under, the required authority for the activity.

load number, for the transportation of a load of trackable waste, means—

- (a) if the generator gives the administering authority information about the transportation in the prescribed form—the load number marked on the form by the administering authority; or
- (b) if the generator gives the administering authority information about the transportation in another way the administering executive has approved under section 37—the load number assigned under the approved way.

local government, for part 2A, see section 10A.

$\log_{10}kill=4$ means a 4 decade reduction or a 0.0001 survival probability in a microbial population.

$\log_{10}kill=6$ means a 6 decade reduction or a 0.000001 survival probability in a microbial population.

manufacturing process means a handicraft or other process relating to adapting, altering, assembling, cleaning, finishing, making, ornamenting, preparing, renovating, repairing, washing, or wrecking goods for trade, sale or gain or otherwise in connection with a business.

multi-service medical clinic means a medical centre that provides specialist procedures including radiology, pathology or surgical procedures.

NEPM means the *National Environment Protection (Movement of Controlled Waste between States and Territories) Measure* made by the National Environment Protection Council, on 26 June 1998, under the *National Environment Protection Council Act 1994* (Cwlth).

nightsoil includes—

- (a) human faecal material; and
- (b) human urine; and
- (c) material mixed with human faecal material or urine, including, for example, toilet paper.

non-infectious, for waste, means the waste—

- (a) has a \log_{10} kill = 4 for bacterial spores; and
- (b) has a \log_{10} kill = 6 for vegetative bacteria.

packing group designator, for trackable waste, means the packing group designator applying to the waste under the ADG code.

pharmaceutical product means a restricted drug under the *Health (Drugs and Poisons) Regulation 1996*.

pharmaceutical waste means waste arising from—

- (a) pharmaceutical products that have passed their recommended shelf life; and
- (b) pharmaceutical products discarded due to off-specification batches or contaminated packaging; and
- (c) pharmaceutical products returned by patients or discarded by the public; and
- (d) pharmaceutical products no longer required by the public; and
- (e) waste generated during the manufacture of pharmaceutical products.

premises includes domestic, government and commercial premises.

prescribed form, for part 4, see section 36.

prescribed information, for part 4, see section 19.

prescribed sanitary convenience means a sanitary convenience, other than—

- (a) a cesspit or cesspool; or
- (b) a sanitary convenience connected, or required under a law of the State to be connected, to a sewer or septic tank.

prescribed time, for giving information under part 4, see section 21.

prescribed way, for giving information under part 4, see section 20.

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

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

receiver, of trackable waste, see section 18.

recyclable interceptor waste means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.

recyclable waste, for a local government's area, means clean and inoffensive waste that is declared by the local government to be recyclable waste for the area.

Examples of waste that may be declared to be recyclable waste—

glass bottles, newspaper, cardboard, steel and aluminium cans and green waste

registered laboratory means a laboratory accredited by the National Association of Testing Authorities.

registration number, of a motor vehicle, means its registration number under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*.

regulated waste means regulated waste within the meaning of the *Environmental Protection Regulation 2008*.

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

required authority, for an environmentally relevant activity, means any of the following required under the Act for the activity—

- (a) for a chapter 4 activity—
 - (i) a registration certificate; and

- (ii) if the activity is not subject to a code of environmental compliance—a development approval;
- (b) for a mining or petroleum activity—an environmental authority.

scheduled area means a local government area mentioned in the *Environmental Protection Regulation 2008*, schedule 4.

serviced premises see section 10B.

serviced sanitary premises means premises, in a local government's area, from which the local government has arranged for the collection, removal and disposal of nightsoil.

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

standard general waste container means a container of a type approved by a local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government's area.

subsidiary risk, for trackable waste, means the subsidiary risk applying to the waste under the ADG code.

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

trackable waste see section 17.

transporter, of trackable waste, see section 18.

treatment code, for a way of treating waste, means the relevant code stated in schedule 6.

UN number, for trackable waste, means the United Nations number applying to the waste under the ADG code.

veterinary hospital has the meaning given by the *Veterinary Surgeons Act 1936*.

waste code, for trackable waste, means the relevant code stated in schedule 1.

waste facility, for parts 2A and 3, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste.

waste handler means a generator, transporter or receiver of trackable waste.

waste management hierarchy has the meaning given by the *Environmental Protection (Waste Management) Policy 2000*.

waste management principles has the meaning given by the *Environmental Protection (Waste Management) Policy 2000*.

waste origin code, for an activity, means the code for the activity stated in schedule 7.

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 1 July 2009. Future amendments of the Environmental Protection (Waste Management) Regulation 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

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.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 July 2000	27 July 2000
1A	2000 SL No. 320	8 December 2000	14 December 2000
1B	2000 SL No. 351	1 January 2001	2 January 2001
1C	2000 SL No. 351	1 January 2002	15 January 2002

Reprint No.	Amendments included	Effective	Notes
1D	2002 SL No. 295	8 November 2002	This reprint was prepared to update references to the Environmental Protection Act 1994.
2	1994 Act No. 62 (amd 2000 Act No. 64)	8 November 2002	
2A	2003 Act No. 81	1 July 2004	

Endnotes

Reprint No.	Amendments included	Effective	Notes
2B	2004 SL No. 209	4 October 2004	
2C	2005 SL No. 138	25 June 2005	R2C withdrawn, see R3
3	—	25 June 2005	
3A rv	2007 SL No. 217	31 August 2007	
3B rv	—	1 January 2008	s 65 commenced
3C rv	2008 SL No. 13	11 February 2008	
3D rv	2008 SL No. 370	1 January 2009	R3D rv withdrawn, see R4 rv
4 rv	—	1 January 2009	Revision notice issued for R4
4A	2009 Act No. 13	1 July 2009	

5 List of legislation

Environmental Protection (Waste Management) Regulation 2000 SL No. 178

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

pt 4 div 3 sdiv 1 commenced 1 July 2001 (see s 2(1))

s 64 commenced 1 January 2002 (see s 2(2))

s 65 commenced 1 January 2008 (see s 2(3))

s 69 commenced 1 July 2001 (see s 2(4))

remaining provisions commenced 1 July 2000 (see s 2(5))

exp 1 September 2010 (see SIA s 54)

Notes—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared.

amending legislation—

Environmental Protection Act 1994 No. 62 ss 1–2, 616(2) (this Act is amended, see amending legislation below)

date of assent 1 December 1994

ss 1–2 commenced on date of assent

remaining provision commenced 1 January 2001

amending legislation—

Environmental Protection and Other Legislation Amendment Act 2000 No. 64 s 52 (amends 1994 No. 62 above)

date of assent 24 November 2000

ss 1–2 commenced on date of assent

remaining provision commenced 1 January 2001

**Environmental Protection (Waste Management) Amendment Regulation (No. 1)
2000 SL No. 320**

notfd gaz 8 December 2000 pp 1374–7
commenced on date of notification

**Environmental Protection and Other Legislation Amendment Regulation (No. 1)
2000 SL No. 351 pts 1, 3**

notfd gaz 15 December 2000 pp 1478–83
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2001 (see s 2)
Note—An explanatory note was prepared

**Environmental Protection (Waste Management) Amendment Regulation (No. 1)
2002 SL No. 295**

notfd gaz 8 November 2002 pp 857–8
commenced on date of notification

**Public Health (Infection Control for Personal Appearance Services) Act 2003 No. 81
ss 1–2, 162 sch 1**

date of assent 6 November 2003
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2004 (2003 SL No. 351)

**Environmental Protection Legislation Amendment Regulation (No. 1) 2004 SL No.
209 pts 1, 4**

notfd gaz 1 October 2004 pp 393–5
ss 1–2 commenced on date of notification
remaining provisions commenced 4 October 2004 (see s 2)

**Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2005 SL
No. 138 pts 1, 2**

notfd gaz 24 June 2005 pp 639–45
ss 1–2 commenced on date of notification
remaining provisions commenced 25 June 2005 (see s 2)

**Environmental Protection Legislation Amendment and Repeal Regulation (No. 1)
2007 SL No. 217 pts 1, 3**

notfd gaz 31 August 2007 pp 2326–7
commenced on date of notification

**Environmental Protection and Other Legislation Amendment Regulation (No. 1)
2008 SL No. 13 pts 1, 3**

notfd gaz 1 February 2008 pp 465–7
ss 1–2 commenced on date of notification
remaining provisions commenced 11 February 2008 (see s 2)

Environmental Protection Regulation 2008 SL No. 370 ss 1–2, 160 sch 11

notfd gaz 7 November 2008 pp 1319–21
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2009 (see s 2)
Note— A regulatory impact statement and explanatory note were prepared

Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008

SL No. 427 ss 1–2, 253 sch 3

notfd gaz 12 December 2008 pp 2044–53

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2009 (see s 2)

Right to Information Act 2009 No. 13 ss 1–2, 213 sch 5

date of assent 12 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2009 (2009 SL No. 132)

6 List of annotations

Application in relation to sewerage and stormwater drainage

s 5 amd 2005 SL No. 138 s 4

PART 2—LITTER AND RELATED MATTERS

pt 2 (ss 6–10) om 2008 SL No. 13 s 6

PART 2A—WASTE MANAGEMENT IN LOCAL GOVERNMENT AREAS

pt hdg ins 2007 SL No. 217 s 16

Division 1—Preliminary

div 1 (ss 10A–10B) ins 2007 SL No. 217 s 16

Division 2—General waste

div hdg ins 2007 SL No. 217 s 16

Subdivision 1—Storage of general waste

sdiv 1 (ss 10C–10F) ins 2007 SL No. 217 s 16

Subdivision 2—Removal of general waste

sdiv 2 (ss 10G–10I) ins 2007 SL No. 217 s 16

Division 3—Storage and treatment of industrial waste

div 3 (ss 10J–10K) ins 2007 SL No. 217 s 16

Division 4—Storage and disposal of nightsoil

div 4 (ss 10L–10O) ins 2007 SL No. 217 s 16

Division 5—Compliance notices

div 5 (s 10P) ins 2007 SL No. 217 s 16

Definition for pt 3

s 11 amd 2000 SL No. 320 s 3

om 2007 SL No. 217 s 17

Unlawful disposal of waste at waste facility

s 12 amd 2004 SL No. 209 s 37

Restrictions on burning waste at waste facility

s 13 amd 2002 SL No. 295 s 2 sch; 2004 SL No. 209 s 38

Approval of ways of giving information to administering authority

s 37 amd 2000 SL No. 351 s 50; 2002 SL No. 295 s 2 sch

Consignment numbers for waste transported into Queensland

s 38 amd 2000 SL No. 351 s 50; 2002 SL No. 295 ss 3, 2 sch; 2004 SL No. 209 s 39

Exemptions

s 39 amd 2000 SL No. 351 s 50; 2002 SL No. 295 s 2 sch

Emergencies

s 40 amd 1994 Act No. 62 s 616(2) (amd 2000 Act No. 64 s 52); 2004 SL No. 209 s 40

Trackable waste to be given only to licensed transporter

s 41 amd 2004 SL No. 209 s 41

Segregation of waste

s 46 amd 2004 SL No. 209 s 42

Sending waste to waste disposal or treatment facility

s 48 amd 2004 SL No. 209 s 43

Disposal of sharps

s 49 amd 2003 No. 81 s 162 sch 1

Storage of clinical or related waste

s 51 amd 2000 SL No. 320 s 4; 2000 SL No. 351 s 50
sub 2002 SL No. 295 s 4

Definitions for pt 6

s 54 def “licensed disposal facility” amd 2004 SL No. 209 s 44(1)
def “licensed treatment facility” amd 2004 SL No. 209 s 44(2)

Notice to administering authority

s 61 amd 2002 SL No. 295 s 2 sch

Use of equipment containing concentrated PCB material

s 64 amd 2000 SL No. 351 s 50; 2002 SL No. 295 s 2 sch

PART 6A—APPROVAL OF RESOURCE FOR BENEFICIAL USE

pt hdg ins 2002 SL No. 295 s 5

Division 1—Preliminary

div 1 (s 66A) ins 2002 SL No. 295 s 5

Division 2—Application for approval

div 2 (ss 66B–66C) ins 2002 SL No. 295 s 5

Division 3—Deciding application

div 3 (ss 66D–66G) ins 2002 SL No. 295 s 5

Division 4—Amendment, cancellation or suspension of particular approvals

div hdg ins 2002 SL No. 295 s 5

Endnotes

Transfer of benefit of approval

s 66H ins 2002 SL No. 295 s 5

Amendment of approval

s 66I ins 2002 SL No. 295 s 5

Cancellation or suspension of an approval

s 66J ins 2002 SL No. 295 s 5

Procedure for amendment, cancellation, or suspension of approval

s 66K ins 2002 SL No. 295 s 5
amd 2004 SL No. s 45

Division 5—Conditions of approvals

div 5 (ss 66L–66N) ins 2002 SL No. 295 s 5

PART 6B—USED PACKAGING MATERIALS

pt hdg (prev 1998 SL No. 29 pt 3B hdg) ins 2000 SL No. 162 s 6
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Division 1—Preliminary

div hdg (prev 1998 SL No. 29 pt 3B div 1 hdg) ins 2000 SL No. 162 s 6
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Subdivision 1—General

sdiv hdg (prev 1998 SL No. 29 pt 3B div 1 sdiv 1 hdg) ins 2000 SL No. 162 s 6
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Purpose of pt 6B

prov hdg amd 2007 SL No. 217 s 3
s 66O (prev 1998 SL No. 29 s 38W) ins 2000 SL No. 162 s 6
amd 2005 SL No. 322 s 3
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Subdivision 2—Interpretation

sdiv hdg (prev 1998 SL No. 29 pt 3B div 1 sdiv 2 hdg) renum and reloc 2007 SL No.
217 s 12
exp 1 July 2010 (see s 66Z)

Definitions for pt 6B

prov hdg amd 2007 SL No. 217 s 4(1)
s 66P (prev 1998 SL No. 29 s 38X) ins 2000 SL No. 162 s 6
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)
def “**brand owner**” sub 2005 SL No. 322 s 4(1)–(2)
reloc 2007 SL No. 217 s 12
def “**consumer packaging**” reloc 2007 SL No. 217 s 12
def “**consumer packaging material**” sub 2005 SL No. 322 s 4(1)–(2)
amd 2007 SL No. 217 s 4(4)

reloc 2007 SL No. 217 s 12
def “**covenant**” sub 2005 SL No. 322 s 4(1)–(2)
amd 2007 SL No. 217 s 4(5)
reloc 2007 SL No. 217 s 12
def “**in-store packaging**” reloc 2007 SL No. 217 s 12
def “**kerbside recycling collection**” sub 2005 SL No. 322 s 4(1)–(2)
reloc 2007 SL No. 217 s 12
def “**landfill**” reloc 2007 SL No. 217 s 12
def “**owner’s packaging**” amd 2007 SL No. 217 s 4(6)
reloc 2007 SL No. 217 s 12
def “**plastic bags**” ins 2005 SL No. 322 s 4(2)
reloc 2007 SL No. 217 s 12
def “**recycle**” reloc 2007 SL No. 217 s 12
def “**registered**” reloc 2007 SL No. 217 s 12
def “**sell**” ins 2007 SL No. 217 s 4(3)
reloc 2007 SL No. 217 s 12

General

s 66Q (prev 1998 SL No. 29 s 38Y) ins 2000 SL No. 162 s 6
amd 2005 SL No. 322 s 5; 2007 SL No. 217 s 5
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Division 2—Responsibilities of particular brand owners

div hdg (prev 1998 SL No. 29 pt 3B div 2 hdg) ins 2000 SL No. 162 s 6
sub 2005 SL No. 322 s 6
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Subdivision 1—Application

sdiv hdg (prev 1998 SL No. 29 pt 3B div 2 sdiv 1 hdg) ins 2000 SL No. 162 s 6
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Application of div 2

s 66R (prev 1998 SL No. 29 s 38Z) ins 2000 SL No. 162 s 6
amd 2005 SL No. 322 s 7; 2007 SL No. 217 s 6
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Subdivision 2—Action plans and record keeping

div hdg (prev 1998 SL No. 29 pt 3B div 2 sdiv 2 hdg) ins 2000 SL No. 162 s 6
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Action plans

s 66S (prev 1998 SL No. 29 s 38ZA) ins 2000 SL No. 162 s 6
amd 2005 SL No. 322 s 8; 2007 SL No. 217 s 7
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Endnotes

Brand owner to keep information

s 66T (prev 1998 SL No. 29 s 38ZB) ins 2000 SL No. 162 s 6
amd 2005 SL No. 322 s 9
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Claiming exemption on ground of commercial confidentiality

s 66U (prev 1998 SL No. 29 s 38ZC) ins 2000 SL No. 162 s 6
amd 2000 SL No. 351 s 18; 2007 SL No. 217 s 8
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Deciding claim for exemption on ground of commercial confidentiality

s 66V (prev 1998 SL No. 29 s 38ZD) ins 2000 SL No. 162 s 6
amd 2000 SL No. 351 s 19; 2007 SL No. 217 s 9
renum and reloc 2007 SL No. 217 s 12
amd 2009 Act No. 13 s 213 sch 5
exp 1 July 2010 (see s 66Z)

Subdivision 3—Compliance notices

sdiv hdg (prev 1998 SL No. 29 pt 3B div 2 sdiv 3 hdg) ins 2000 SL No. 162 s 6
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Authorised person may give notice to comply

s 66W (prev 1998 SL No. 29 s 38ZE) ins 2000 SL No. 162 s 6
amd 2005 SL No. 322 s 10; 2007 SL No. 217 s 10
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Division 3—Operators of kerbside recycling collection services to give information to chief executive

div hdg (prev 1998 SL No. 29 pt 3B div 3 hdg) ins 2000 SL No. 162 s 6
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Local governments

s 66X (prev 1998 SL No. 29 s 38ZF) ins 2000 SL No. 162 s 6
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Other operators

s 66Y (prev 1998 SL No. 29 s 38ZG) ins 2000 SL No. 162 s 6
amd 2007 SL No. 217 s 11
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Division 4—Expiry

div hdg (prev 1998 SL No. 29 pt 3B div 4 hdg) ins 2000 SL No. 162 s 6
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

Expiry of pt 6B

prov hdg amd 2007 SL No. 217 s 3
s 66Z (prev 1998 SL No. 29 s 38ZH) ins 2000 SL No. 162 s 6
amd 2004 SL No. 204 s 4; 2005 SL No. 162 s 3; 2005 SL No. 322 s 11
renum and reloc 2007 SL No. 217 s 12
exp 1 July 2010 (see s 66Z)

PART 7—MISCELLANEOUS**Division 1—Other offences**

div hdg ins 2000 SL No. 320 s 5

Prohibition on use of non-complying waste equipment

s 67 amd 1994 Act No. 62 s 616(2) (amd 2000 Act No. 64 s 52); 2004 SL No. s 46

Division 2—Devolution of powers

div hdg ins 2000 SL No. 320 s 6

Devolution—waste management

s 68A ins 2007 SL No. 217 s 19

Devolution—waste receival and disposal

s 68AA (prev s 68A) ins 2000 SL No. 320 s 6
renum 2007 SL No. 217 s 18

Devolution—non-complying waste equipment

s 68B ins 2000 SL No. 320 s 6

Division 3—Review of decisions and appeal

div hdg ins 2002 SL No. 295 s 6

Review and appeal decisions

s 68C ins 2002 SL No. 295 s 6
amd 2007 SL No. 217 s 20

Dissatisfied persons

s 68D ins 2002 SL No. 295 s 6
amd 2007 SL No. 217 s 21

Division 4—Registers

div 4 (ss 68E–68F) ins 2002 SL No. 295 s 6

PART 9—AMENDMENT OF ENVIRONMENTAL PROTECTION REGULATION 1998

pt 9 (ss 74–81) om R1 (see RA s 40)

PART 10—AMENDMENT OF ENVIRONMENTAL PROTECTION (INTERIM WASTE) REGULATION 1996

pt 10 (ss 82–90) om R1 (see RA s 40)

PART 11—AMENDMENT OF JUSTICES REGULATION 1993

pt 11 (ss 91–92) om R1 (see RA s 40)

PART 12—AMENDMENT OF STANDARD SEWERAGE LAW

pt 12 (ss 93–95) om R1 (see RA s 40)

Endnotes

SCHEDULE 2—PRESCRIBED INFORMATION FOR WASTE TRACKING

Generator

s 1 amd 2004 SL No. 209 s 47(1)

Transporter

s 2 amd 2004 SL No. 209 s 47

Receiver

s 3 amd 2004 SL No. 209 s 47(2)

SCHEDULE 3—NATIONAL ENVIRONMENT PROTECTION (MOVEMENT OF CONTROLLED WASTE BETWEEN STATES AND TERRITORIES) MEASURE, SCHEDULE A, LIST 2

sch hdg amd 2002 SL No. 295 s 2 sch

SCHEDULE 8—DESIGN RULES

sch hdg amd 2007 SL No. 217 s 22

SCHEDULE 8A—REQUIREMENTS FOR PARTICULAR PRESCRIBED SANITARY CONVENIENCES

ins 2007 SL No. 217 s 23

SCHEDULE 9—DICTIONARY

def “**ADG code**” amd 2008 SL No. 427 s 253 sch 3

def “**approved waste removal entity**” ins 2007 SL No. 217 s 24(2)

def “**cesspit**” ins 2007 SL No. 217 s 24(2)

def “**closet**” ins 2007 SL No. 217 s 24(2)

def “**commercial premises**” ins 2007 SL No. 217 s 24(2)

def “**commercial waste**” ins 2007 SL No. 217 s 24(2)

def “**domestic clean-up waste**” ins 2007 SL No. 217 s 24(2)

def “**domestic premises**” ins 2007 SL No. 217 s 24(2)

def “**domestic waste**” ins 2007 SL No. 217 s 24(2)

def “**endangered wildlife**” amd 2005 SL No. 138 s 5

def “**general waste**” sub 2007 SL No. 217 s 24(1)–(2)

def “**green waste**” ins 2007 SL No. 217 s 24(2)

def “**industrial waste**” ins 2007 SL No. 217 s 24(2)

def “**interceptor**” ins 2007 SL No. 217 s 24(2)

def “**interceptor waste**” ins 2007 SL No. 217 s 24(2)

def “**licensed**” ins 2004 SL No. 209 s 48

def “**litter bin**” om 2008 SL No. 13 s 7

def “**local government**” ins 2007 SL No. 217 s 24(2)

def “**log₁₀kill=6**” amd 2000 SL No. 320 s 7

def “**manufacturing process**” ins 2007 SL No. 217 s 24(2)

def “**prescribed sanitary convenience**” ins 2007 SL No. 217 s 24(2)

def “**recyclable interceptor waste**” ins 2007 SL No. 217 s 24(2)

def “**recyclable waste**” ins 2007 SL No. 217 s 24(2)

def “**regulated waste**” amd 2008 SL No. 370 s 160 sch 11

def “**required authority**” ins 2004 SL No. 209 s 48

def “**scheduled area**” amd 2008 SL No. 370 s 160 sch 11

def “**serviced premises**” ins 2007 SL No. 217 s 24(2)

def “**serviced sanitary premises**” ins 2007 SL No. 217 s 24(2)

def **“standard general waste container”** ins 2007 SL No. 217 s 24(2)
def **“waste facility”** ins 2007 SL No. 217 s 24(2)

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