

Waste Reduction and Recycling and Other Legislation Amendment Bill 2012

Amendments agreed to during Consideration

1 After clause 1

Page 6, after line 5—

insert—

1A Commencement

Section 28 commences on a day to be fixed by proclamation.

2 Clause 6 (Act amended)

Page 8, after line 10—

insert—

Note—

See also the amendments in the schedule.

3 Clause 10 (Amendment of s 8 (Insertion of new chs 5 and 5A))

Page 10, after line 27—

insert—

(4A) Section 8, inserted section 167(2)—

omit, insert—

- (2) The decision stage for the application starts on the later of the following days—
- (a) the day the Coordinator-General gives the proponent a copy of the Coordinator-General's report under the State Development Act;

- (b) the day after all other stages applying to the application have ended.

4 Clause 10 (Amendment of s 8 (Insertion of new ch 5 and 5A))

Page 12, after line 26—

insert—

- (9A) Section 8, inserted section 278(2)—

insert—

- (ba) the administering authority has, under section 306, required the holder of the environmental authority to change the amount of financial assurance and the holder has not complied with the requirement;

5 Clause 10 (Amendment of s 8 (Insertion of new chs 5 and 5A))

Page 16, line 1, after ‘a person’—

insert—

or another entity

6 Clause 15 (Amendment of s 60 (Insertion of new ch 13, pt 18))

Page 21, after line 4—

insert—

- (3A) Section 60, inserted section 678(2)(b), from ‘enacted’—

omit, insert—

enacted.

- (3B) Section 60, inserted section 678(2)(c)—

omit.

(3C) Section 60, after inserted section 678—

insert—

678A Application to convert particular existing conditions into environmental authority

- (1) Subsection (2) applies if—
 - (a) immediately before the commencement, a development permit for a chapter 4 activity is in effect, but no registration certificate for the activity was issued; or
 - (b) after the commencement, a development permit for a chapter 4 activity comes into effect under section 678.
- (2) A person may apply to the chief executive to convert the development conditions of the permit into an environmental authority for a prescribed ERA.
- (3) Subsection (4) applies if—
 - (a) immediately before the commencement—
 - (i) a UDA development approval for a chapter 4 activity is in effect; and
 - (ii) UDA development conditions (the *relevant conditions*) of the UDA development approval nominate the administering authority to be the nominated assessing authority for the conditions under the ULDA Act, section 58(a); and
 - (iii) no registration certificate for the activity was issued; or
 - (b) after the commencement—

- (i) a PDA development approval for a chapter 4 activity, applied for before the commencement, comes into effect; and
 - (ii) PDA development conditions (also the *relevant conditions*) of the UDA development approval nominate the administering authority to be the nominated assessing authority for the conditions under the *Economic Development Act 2012*, section 88(a); and
 - (iii) no registration certificate for the activity is issued.
- (4) A person may apply to the chief executive to convert the relevant conditions into an environmental authority for a prescribed ERA.
- (5) In this section—
- PDA development approval* see the *Economic Development Act 2012*, schedule 1.
- PDA development condition* see the *Economic Development Act 2012*, section 85(4)(b).

678B Requirements for conversion application

- (1) An application under section 678A must—
 - (a) be written; and
 - (b) describe all environmentally relevant activities for the application; and
 - (c) describe the land on which each activity will be carried out; and

- (d) state whether the applicant is a registered suitable operator for the carrying out of the activity; and
 - (e) if the applicant is not a registered suitable operator for the carrying out of the activity, include an application, under section 318F, for registration as a suitable operator for the carrying out of the activity; and
 - (f) state whether the applicant wants any environmental authority granted for the application to take effect on a day nominated by the applicant.
- (2) No fee is payable for an application under section 678A.

678C Criterion for decision

An application under section 678A may be granted only if the applicant is a registered suitable operator for the carrying out of the activity.

678D Grant of environmental authority for conversion

- (1) If the chief executive decides to approve an application under section 678A(2)—
 - (a) the chief executive must grant the applicant an environmental authority for a prescribed ERA; and
 - (b) the development conditions of the permit become the conditions of the environmental authority.
- (2) If the chief executive decides to approve an application under section 678A(4)—

- (a) the chief executive must grant the applicant an environmental authority for a prescribed ERA; and
- (b) the relevant conditions under section 678A(3) become the conditions of the environmental authority.

678E When environmental authority takes effect

The environmental authority has effect—

- (a) if the authority states that it takes effect on the day nominated by the holder of the authority in a written notice given to the chief executive—on the nominated day; or
- (b) otherwise—on the day the authority is issued.

678F Notice of decision

- (1) This section applies if—
 - (a) the chief executive decides to refuse the application; and
 - (b) the application was made together with an application, under section 318F, for registration as a suitable operator for the carrying out of the activity.
- (2) The notice that the chief executive must give the applicant under section 318I(2) must include notice of the decision.
- (3D) Section 60, inserted section 681—

insert—
- (5) If subsection (4) does not apply and a registration certificate is given for the application, the registration certificate is

taken to be one to which section 677 applies.

7 Clause 21 (Replacement, renumbering and relocation of s 27 (Meaning of *levyable waste disposal site*))

Page 28, lines 2 to 4, ‘, whether’ to ‘otherwise,’—
omit.

8 Clause 21 (Replacement, renumbering and relocation of s 27 (Meaning of *levyable waste disposal site*))

Page 28, lines 5 and 6, ‘a registration certificate’—
omit, insert—

an environmental authority

9 Clause 25 (Replacement of ss 42–43)

Page 29, lines 8 and 9, ‘1 December 2013’—
omit, insert—

a day prescribed under a regulation

10 Clause 25 (Replacement of ss 42–43)

Page 29, after line 13—
insert—

- (5) Despite subsection (2), the operator of a waste disposal site is not required to ensure that a weighbridge is installed at the site if it is planned to close the site within 1 year after the operator would otherwise be required, under the subsection, to ensure a weighbridge is installed at the site.

11 Clause 28 (Replacement of s 52 (Submission of waste data returns))

Page 30, lines 11 and 12, ‘before the due date’—

omit, insert—

on or before the day prescribed under a regulation

12 Clause 28 (Replacement of s 52 (Submission of waste data returns))

Page 30, line 27 and page 31, lines 1 to 3—

omit.

13 Clause 29 (Amendment of s 53 (Requirement for operator of levyable waste disposal site to keep particular documents))

Page 31, lines 4 to 14—

omit, insert—

29 Omission of s 53 (Requirement for operator of levyable waste disposal site to keep particular documents)

Section 53—

omit.

14 Clause 43 (Amendment of s 245 (Definitions for ch 11))

Page 35, line 4, ‘53,’—

omit.

15 Clause 46 (Amendment of s 253 (When waste audit required))

Page 36, line 4, ‘53,’—

omit.

16 Schedule (Acts amended)

Page 42, after line 9—

insert—

Environmental Protection Act 1994

- 1 Sections 37(1), 60(2), 150(g), 151, 161(b), 162(3)(b), 163(1)(a), 163A(b), 203(1)(e), 205(1)(a), 206(b)(ia), 210(2), 222, 309Z(5), 310E, 310M(d), 310O(5), 310V and 310Y(1)(c), ‘significant project’—**

omit, insert—

coordinated project

- 2 Section 37(1)(c)(ii), editor’s note—**

omit, insert—

Note—

See the State Development Act, part 4, divisions 2 (Coordinated project) and 3 (EIS process).

- 3 Sections 162(3)(b), editor’s note and 310E(5), note—**

omit, insert—

Note—

For EISs for coordinated projects, see the State Development Act, section 28 (Application of divs 3–8) and part 4, division 3 (EIS process).

- 4 Sections 363N(1)(c), 482(2), definition *authorised person*, paragraph (b) and 486(1)(c), ‘section 467(2)(b)’—**

omit, insert—

section 467(1)(b)

5 Schedule 4, definitions *Coordinator-General's report and significant project*, 'significant project'—

omit, insert—

coordinated project

17 Schedule (Acts amended)

Page 42, line 10, 'Environment'—

omit, insert—

Environmental

18 Schedule (Acts amended)

Page 42, after line 14—

insert—

1A Section 8, inserted section 112, definitions *eligible ERA*, paragraph (b) and *ineligible ERA*, paragraph (c), 'significant project'—

omit, insert—

coordinated project

19 Schedule (Acts amended)

Page 43, after line 12—

insert—

6A Section 8, inserted sections 142, 143, 167, 190(2), 192(b) and 205(1)(b), 'significant project'—

omit, insert—

coordinated project

20 Schedule (Acts amended)

Page 45, after line 18—

insert—

**22A Section 62(2), inserted definition
application documents, paragraph (c),
‘significant project’—**

omit, insert—

coordinated project

21 Schedule (Acts amended)

Page 49, after line 2—

insert—

**10A Section 258(7), definition *prescribed
offence*, ‘53,’—**

omit.

© State of Queensland 2013

Authorised by the Parliamentary Counsel