



Queensland

# Environmental Protection and Other Legislation (Waste) Amendment Regulation 2019

## Subordinate Legislation 2019 No. 124

made under the

*Environmental Protection Act 1994*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Environmental Protection and Other Legislation (Waste) Amendment Regulation 2019*.

## Part 2 Amendment of Environmental Protection Regulation 2008

### 2 Regulation amended

This part amends the *Environmental Protection Regulation 2008*.

### 3 Insertion of new ch 9, pt 13

Chapter 9—  
*insert—*

## Part 13 Transitional provisions for Environmental Protection and Other Legislation (Waste) Amendment Regulation 2019

### 189 Definitions for part

In this part—

*former*, for a provision of this regulation, means as in force immediately before the commencement.

*new*, for a provision of this regulation, means as

[s 3]

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in force on the commencement.

### **190 Existing environmental authorities for particular prescribed ERA**

- (1) This section applies to a person who, immediately before the commencement, held an environmental authority (the *existing environmental authority*) to carry out a prescribed ERA mentioned in schedule 2, former section 53.
- (2) From the commencement, the person is taken to be the holder of an environmental authority (the *replacement environmental authority*) to carry out the prescribed ERA mentioned in schedule 2, new section 53.
- (3) If the existing environmental authority was subject to a condition, the replacement environmental authority is taken to be subject to the condition.
- (4) If an amendment application for the existing environmental authority was made, but not decided, before the commencement—
  - (a) the amendment application is taken to relate to the replacement environmental authority; and
  - (b) if the application fee for the amendment application has been paid—no further application fee is required to be paid in relation to the amendment application.

### **191 Existing applications for particular prescribed ERAs**

- (1) This section applies to an application (the *existing application*) that—

- 
- (a) is for an environmental authority to carry out a prescribed ERA mentioned in schedule 2, former section 53; and
  - (b) was made, but not decided, before the commencement.
- (2) On the commencement—
- (a) the application is taken to be an application (the ***new application***) for an environmental authority to carry out the prescribed ERA mentioned in schedule 2, new section 53; and
  - (b) if the application fee for the existing application was paid—the application fee for the new application is taken to have been paid.

#### 4 **Amendment of sch 2 (Prescribed ERAs and aggregate environmental scores)**

- (1) Schedule 2, section 53(2)(b)—

*omit, insert—*

- (b) the composting of organic material from agriculture or livestock production if the organic material is either—
  - (i) composted at the site where it was produced; or
  - (ii) transported to another site, where agriculture or livestock production is carried out, and composted at that site; or

- (2) Schedule 2, section 53(2)(c)(ii), ‘section 25’—

*omit, insert—*

section 3 or 25

- (3) Schedule 2, section 53(2)—

[s 5]

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*insert—*

- (d) the composting of organic material at a site if an activity, to which section 2, 3 or 4 applies, is carried out at the site.

- (4) Schedule 2, section 53(4)—

*insert—*

**composting**, of organic material, includes mixing the organic material to manufacture a soil conditioner.

## **5 Amendment of sch 3B (Approved ERA standards for environmentally relevant activities)**

Schedule 3B, ‘ERA standard—Regulated waste transport (ERA 57) – version 1’—

*omit, insert—*

ERA standard—Regulated waste transport (ERA 57) – version 2

## **6 Amendment of sch 7 (Regulated waste and waste that is not regulated waste)**

Schedule 7, part 3, division 2, table 1, item 2, column 3, ‘1,200µS’—

*omit, insert—*

1,200µS/cm

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## Part 3                      Amendment of Environmental Protection (Waste ERA Framework) Amendment Regulation 2018

### 7            Regulation amended

This part amends the *Environmental Protection (Waste ERA Framework) Amendment Regulation 2018*.

*Editor's note—*

Legislation ultimately amended—

- *Environmental Protection Regulation 2008*

### 8            Insertion of new s 11A

After section 11—

*insert—*

#### **11A Amendment of s 106 (Other particular acts, omissions or activities)**

Section 106(4)—

*omit.*

### 9            Amendment of s 12 (Insertion of new ch 8, pt 3, div 4)

(1) Section 12, inserted section 135(1)(b) to (d)—

*omit, insert—*

- (b) the activity (the *relevant activity*) carried out under the authority is the transporting of regulated waste, other than end-of-life tyres; and
- (c) the AES for the relevant activity increases (the *AES increase*) because the number of registered vehicles for the relevant activity increases; and

(d) the annual fee for the authority, worked out immediately after the AES increase, is higher than the annual fee for the authority worked out on the relevant day for the authority.

(2) Section 12, inserted section 135(2), from ‘A is’ to ‘notice for the authority.’—

*omit, insert—*

*A* is the annual fee for the authority worked out immediately after the AES increase.

*N* is the number of days from the day the AES increase happens until the next anniversary day for the authority.

*P* is the annual fee for the authority worked out on the relevant day for the authority.

(3) Section 12, inserted section 135—

*insert—*

(5) In this section—

**registered vehicle**, for the relevant activity, means a vehicle that is registered with the department as a vehicle used to carry out the activity.

**relevant day**, for an environmental authority, means the latest of the following—

- (a) the day the authority takes effect;
- (b) the most recent anniversary day for the authority;
- (c) if a supplementary annual fee is payable under section 134 in relation to an amendment application for the authority— the day the amendment application was approved;
- (d) if, as the result of a previous AES increase, the holder of the authority was required to



pay a supplementary annual fee under this section—the day the previous AES increase happened.

## 10 Amendment of s 13 (Insertion of new ch 9, pt 12, div 3)

(1) Section 13, inserted section 186(1)(i) and (j)—

*omit, insert—*

- (i) schedule 2, section 60; or
- (j) schedule 2, former section 61; or
- (k) schedule 2, former section 62.

(2) Section 13, inserted section 186(2)(h) to (j)—

*omit, insert—*

- (h) if subsection (1)(h) applies and the activity carried out under the existing environmental authority is a prescribed ERA mentioned in a relevant section—the relevant section; or
- (i) if subsection (1)(i) applies and the activity carried out under the existing environmental authority is also a prescribed ERA mentioned in new section 62—section 60 and the prescribed ERA mentioned in new section 62; or
- (j) if subsection (1)(j) applies and the activity carried out under the existing environmental authority is a prescribed ERA mentioned in a relevant section—the relevant section; or
- (k) if subsection (1)(k) applies and the activity carried out under the existing environmental authority is a prescribed ERA mentioned in a relevant section—the relevant section.

(3) Section 13, inserted section 186(7), definition *relevant section*—

*omit, insert—*

*relevant section* means—

- (a) for subsection (2)(a), (h) or (k)—schedule 2, new section 54 or 62; or
  - (b) for subsection (2)(d)—schedule 2, new section 53, 54, 55, 61 or 62; or
  - (c) for subsection (2)(g)—schedule 2, new section 54 or 55; or
  - (d) for subsection (2)(j)—schedule 2, new section 55 or 61.
- (4) Section 13, inserted section 188(1)(a)(ix) and (x)—  
*omit, insert—*
- (ix) schedule 2, section 60; or
  - (x) schedule 2, former section 61; or
  - (xi) schedule 2, former section 62; and
- (5) Section 13, inserted section 188(2)(a)(viii) to (x)—  
*omit, insert—*
- (viii) if subsection (1)(a)(viii) applies and the activity that is the subject of the application is a prescribed ERA mentioned in a relevant section—the relevant section; or
  - (ix) if subsection (1)(a)(ix) applies and an activity that is the subject of the application is also a prescribed ERA mentioned in new section 62—section 60 and the prescribed ERA mentioned in new section 62; or
  - (x) if subsection (1)(a)(x) applies and the activity that is the subject of the application is a prescribed ERA mentioned in a relevant section—the relevant section; or
  - (xi) if subsection (1)(a)(xi) applies and the activity that is the subject of the application is a prescribed ERA mentioned in a relevant section—the relevant section; and

(6) Section 13, inserted section 188(3), definition *relevant section*—

*omit, insert*—

***relevant section*** means—

- (a) for subsection (2)(a)(i), (viii) or (xi)—  
schedule 2, new section 54 or 62; or
- (b) for subsection (2)(a)(iv)—schedule 2, new  
section 53, 54, 55, 61 or 62; or
- (c) for subsection (2)(a)(vii)—schedule 2, new  
section 54 or 55; or
- (d) for subsection (2)(a)(x)—schedule 2, new  
section 55 or 61.

## 11 Insertion of new ss 13A and 13B

After section 13—

*insert*—

### **13A Amendment of sch 2, s 8 (Chemical storage)**

Schedule 2, section 8(2)(d), ‘56, 57 or 58’—

*omit, insert*—

57 or 62

### **13B Amendment of sch 2, s 10 (Gas producing)**

Schedule 2, section 10(4), definition *relevant waste management activity*, ‘56, 58 or 60’—

*omit, insert*—

60 or 62

## 12 Amendment of s 17 (Insertion of new sch 2, s 54)

(1) Section 17, inserted section 54(2)(b) and (c), after ‘reprocessing’—

*insert—*

, including recycling,

- (2) Section 17, inserted section 54(4), definition *mechanically reprocessing waste—*

*omit, insert—*

***mechanically reprocessing waste*** includes mechanically crushing, milling, grinding, shredding or sorting waste, whether or not for the purpose of recycling the waste.

*Example—*

reprocessing, including recycling, waste using a trommel, glass imploder, concrete crusher, green waste shredder or tyre shredder

### **13 Amendment of s 18 (Replacement of sch 2, s 55 (Regulated waste recycling or reprocessing))**

Section 18, inserted section 55—

*insert—*

- (4) In this section—

***reprocessing*** includes recycling.

### **14 Amendment of s 20 (Replacement of sch 2, s 57 (Regulated waste transport))**

Section 20, inserted section 57(2)—

*insert—*

- (c) the transportation of waste by a State or local government entity if—
- (i) the waste is generated by or for the entity as a result of the construction or maintenance of a State-controlled road, local government road or railway corridor; and

- (ii) the transportation is between sites owned or operated by a State or local government entity.

## 15 Amendment of s 22 (Replacement of sch 2, ss 61 and 62)

- (1) Section 22, inserted section 61(4)—

*insert—*

***reprocessing*** includes recycling.

- (2) Section 22, inserted section 62(2)—

*insert—*

- (i) the receiving and sorting of waste by a State or local government entity if the waste is—

- (i) generated by or for the entity as a result of the construction or maintenance of a State-controlled road, local government road or railway corridor; and

- (ii) stored—

- (A) on the road or railway corridor mentioned in paragraph (i); or

- (B) on a site owned or operated by a State or local government entity.

- (3) Section 22, inserted section 62(3), table, item 1(a), ‘steel’—

*omit, insert—*

metal

## 16 Insertion of new s 22A

After section 22—

*insert—*

## **22A Amendment of sch 2, s 64 (Water treatment)**

- (1) Schedule 2, section 64(2)(a)(ii), ‘56, 58, 60 or 61’—

*omit, insert—*

55, 60, 61 or 62

- (2) Schedule 2, section 64(2)(c), ‘56, 60, 61’—

*omit, insert—*

60, 61, 62

## **17 Insertion of new s 24**

After section 23—

*insert—*

### **24 Amendment of sch 12 (Dictionary)**

Schedule 12, part 2—

*insert—*

***local government road*** see the *Transport Infrastructure Act 1994*, schedule 6.

***railway corridor*** see the *Transport Infrastructure Act 1994*, section 255(6).

***State or local government entity*** means—

- (a) the State; or
- (b) a local government; or
- (c) an instrumentality or agency of the State or a local government; or
- (d) a government owned corporation; or
- (e) a rail government entity under the *Transport Infrastructure Act 1994*.

ENDNOTES

- 1 Made by the Governor in Council on 27 June 2019.
- 2 Notified on the Queensland legislation website on 28 June 2019.
- 3 The administering agency is the Department of Environment and Science.

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