
ENVIRONMENT

EV301*

Waste Avoidance and Resource Recovery Act 2007
Waste Avoidance and Resource Recovery Levy Act 2007

Waste Avoidance and Resource Recovery Levy Amendment Regulations 2011

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Waste Avoidance and Resource Recovery Levy Amendment Regulations 2011*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Waste Avoidance and Resource Recovery Levy Regulations 2008*.

4. Regulation 5 amended

- (1) Before regulation 5(1) insert:

- (1A) In this regulation —

hazardous waste means waste that poses an immediate risk of harm to human health or the environment;

public authority has the meaning given in the *Waste Avoidance and Resource Recovery Act 2007* section 3;

reasonably removed, in relation to waste, means removed in circumstances where alternative methods of dealing with the waste are impracticable.

- (2) In regulation 5(1):

- (a) in paragraph (b) delete “recycling;” and insert:

reuse, reprocessing, recycling or use in energy recovery;

- (b) delete paragraph (c) and insert:

- (c) waste reasonably removed from an orphan site as defined in the *Contaminated Sites Act 2003* section 32 by a public authority to mitigate or prevent a risk of harm to human health or the environment;

- (d) hazardous waste reasonably removed by a public authority;

- (e) waste resulting from storm, fire, flood or other natural disaster that cannot reasonably be reused, reprocessed, recycled or used in energy recovery;

- (f) waste that —

- (i) is deposited on a shoreline by the action of water; and

- (ii) is reasonably removed from the shoreline by a public authority to

- mitigate or prevent a risk of harm to human health or the environment; and
 - (iii) cannot reasonably be reused, reprocessed, recycled or used in energy recovery;
 - (g) waste used for construction or maintenance work carried out on the licensed landfill if —
 - (i) the amount of waste is specified in advance in a plan prepared by a registered builder or an engineer; and
 - (ii) no charge is made by the licensee for accepting the waste;
 - (h) waste used for cover on the licensed landfill if —
 - (i) a closure notice has been given in respect of the licensed landfill under the *Environmental Protection Act 1986* section 68A(2); and
 - (ii) the waste is used as required by the closure notice.
- (3) After regulation 5(4) insert:
- (5A) Without limiting subregulation (4)(b), the conditions that may be specified in a notice granting an exemption applied for under subregulation (1) include the following —
- (a) that the licensee must remove, reuse or recycle the exempt waste within a period specified in the notice;
 - (b) that the licensee must store or use the exempt waste in accordance with requirements specified in the notice;
 - (c) that the licensee must measure the exempt waste in accordance with measurement criteria specified in the notice;
 - (d) that the licensee must keep records specified in the notice as to the quantity, nature and location of exempt waste located or used on the licensed landfill and payments received in respect of that waste;
 - (e) that the licensee must provide reports to the CEO as to the acceptance, storage, removal, reuse or recycling of the exempt waste as requested by the CEO;
 - (f) that the quantity of waste that is exempt is not to exceed an amount specified in the notice.

(4) In regulation 5(5) delete “subregulation (1)(b) or (c)” and insert:

subregulation (1)

By Command of the Lieutenant-Governor and Administrator,

PETER CONRAN, Clerk of the Executive Council.
