

TASMANIA

**WASTE AND RESOURCE RECOVERY
REGULATIONS 2022**

STATUTORY RULES 2022, No. 35

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SCHEDULE 1 – INFRINGEMENT OFFENCES

WASTE AND RESOURCE RECOVERY REGULATIONS 2022

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Waste and Resource Recovery Act 2022*.

Dated 20 June 2022.

B. BAKER
Governor

By Her Excellency's Command,

R. C. JAENSCH
Minister for Environment and Climate Change

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Waste and Resource Recovery Regulations 2022*.

2. Commencement

These regulations take effect on the day on which Parts 3 and 4 of the *Waste and Resource Recovery Act 2022* commence.

3. Interpretation

In these regulations –

Act means the *Waste and Resource Recovery Act 2022*;

Class A landfill facility means a landfill facility that receives, or is likely to receive, 10 000 tonnes, or more, of waste per financial year;

Class A resource recovery facility means a resource recovery facility that receives, or is likely to receive, for the purposes of resource recovery, 10 000 tonnes, or more, of waste per financial year;

Class B landfill facility means a landfill facility that receives, or is likely to receive, more than 100 tonnes and fewer than 10 000 tonnes of waste per financial year;

Class B resource recovery facility means a resource recovery facility that receives, or is likely to receive, for the purposes of resource recovery, more than 1 000 tonnes and fewer than 10 000 tonnes of waste per financial year;

combined waste facility means a facility that incorporates one or more landfill facilities and one or more resource recovery facilities on the same premises;

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commencement day means the day on which these regulations commence;

financial year means the 12-month period ending on 30 June in any year;

landfill movement record – see regulation 12;

resource recovery movement record – see regulation 21.

PART 2 – GENERAL

4. Places that are not landfill facilities

For the purposes of section 4(3)(b) of the Act, members of the following classes of facilities are prescribed not to be landfill facilities:

- (a) facilities that receive, or are likely to receive, 100 tonnes, or fewer, of waste per financial year;
- (b) facilities that receive only waste excluded from the application of Part 3 of the Act.

5. Places that are not resource recovery facilities

For the purposes of section 5(2)(b) of the Act, a facility at which resource recovery occurs that receives, or is likely to receive, 1 000 tonnes or fewer of waste per financial year is prescribed to be a member of a class of facilities that is not a resource recovery facility for the purposes of the Act.

6. Application of funds from Waste and Resource Recovery Account

For the purposes of section 24(3)(c) of the Act, the following amounts may be applied by the Secretary from the Waste and Resource Recovery Account, for the following purposes:

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- (a) 303 031 fee units per year, to be disbursed to the Environment Protection Authority for the purpose of fulfilling the litter and illegal dumping compliance functions of that Authority;
 - (b) 606 061 fee units per year, for the purposes of –
 - (i) the implementation and regulation of the waste levy; and
 - (ii) the collection of information in relation to waste in accordance with the Act.

7. Matter excluded from waste levy

- (1) In this regulation –

biosecurity matter has the same meaning as in the *Biosecurity Act 2019*;

carrier, in relation to biosecurity matter, has the same meaning as in the *Biosecurity Act 2019*;

wastewater treatment plant means a plant that is used for the purpose of carrying out wastewater treatment which involves the discharge of treated or untreated sewage, septic tank effluent or industrial or commercial wastewater to land or water.

- (2) For the purposes of section 28(b) of the Act, the following matter is prescribed to be excluded from Part 3 of the Act:

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Part 2 – General

- (a) asbestos that may be lawfully disposed of at the landfill facility at which it is received, if the asbestos was transported to the facility in accordance with the *Environmental Management and Pollution Control (Waste Management) Regulations 2020*;
- (b) biosecurity matter, or a carrier of biosecurity matter, that is required under the *Biosecurity Act 2019* to be destroyed or disposed of at any premises;
- (c) organic waste for the purposes of soil improvement;
- (d) treated wastewater from a wastewater treatment plant that may be lawfully disposed of at the landfill facility at which it is received;
- (e) natural mining matter including tailings, overburden, waste rock, and other matter used for earthworks at the mine site, but not including engineered or manufactured matter;
- (f) 10% of all other matter that is received by a landfill facility in a calendar month, not including the matter specified in paragraphs (a), (b), (c), (d) and (e).

8. Prescribed levy

For the purposes of section 29 of the Act, the prescribed levy in respect of a tonne of waste in a calendar month is –

- (a) for the period commencing on 1 July 2024 and concluding on 30 June 2026 (both days inclusive), 24 fee units; and
- (b) on and after 1 July 2026, 36 fee units.

9. Requirements for purposes of Act

- (1) The requirements imposed by the following provisions are requirements prescribed for landfill facilities for the purposes of section 35(1) of the Act:
 - (a) regulation 10(4);
 - (b) regulation 11(2);
 - (c) regulation 11(3);
 - (d) regulation 12(1);
 - (e) regulation 12(3);
 - (f) regulation 14(1);
 - (g) regulation 14(2);
 - (h) regulation 14(5);
 - (i) regulation 15(2);

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Part 2 – General

- (j) regulation 16(2);
 - (k) regulation 17(1).
- (2) The requirements imposed by the following provisions are requirements prescribed for resource recovery facilities for the purposes of section 38(1) of the Act:
- (a) regulation 19(2);
 - (b) regulation 19(3);
 - (c) regulation 21(1);
 - (d) regulation 22(1);
 - (e) regulation 22(3);
 - (f) regulation 23(1).

PART 3 – LANDFILL FACILITY REQUIREMENTS

Division 1 – Operational requirements

10. Volumetric survey

- (1) In this regulation –

landfill cell means a defined and separate compartment within a landfill facility, designed to receive and hold waste for disposal under a relevant authority issued under an Act.

- (2) For the purposes of section 36(5)(c) of the Act, the prescribed manner in which a volumetric survey in relation to a landfill facility is to be carried out is –
- (a) in a manner consistent with Ministerial standards issued under section 56 of the Act in relation to the operation of a landfill facility, if any; and
 - (b) in accordance with guidelines, if any, issued under section 57 of the Act in relation to the operation of a landfill facility.
- (3) If a landfill facility is part of a combined waste facility, any volumetric survey required to be carried out in relation to the landfill facility is to be carried out in respect of the whole of the combined waste facility.
- (4) The operator of a Class A landfill facility must cause a volumetric survey to be carried out in

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accordance with section 36(2) of the Act on completion of construction of, and prior to commencing use of, each landfill cell that forms part of the Class A landfill facility.

11. Methods of measurement of waste movement in respect of landfill facility

(1) In this regulation –

weighbridge means a weighbridge that is being operated in accordance with the “Weighbridge Operators Manual: A Guide for Operators who Conduct Public Weighings”, published in 2008, and as amended from time to time, by the National Measurement Institute established under the *National Measurement Act 1960* of the Commonwealth.

(2) Subject to subregulation (3), an operator of a landfill facility must use a weighbridge, either at the facility or at another location, to quantify the movement of waste into, or out of, the facility for the purposes of making a landfill movement record.

(3) If it is not reasonably practicable to use a weighbridge as specified in subregulation (2), the operator must, for the purposes of making a landfill movement record, estimate the quantity of the movement of waste into, or out of, the facility using an approved weight estimation method in accordance with guidelines issued under section 57 of the Act.

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- (4) For the purposes of this regulation, it is not reasonably practicable to use a weighbridge as specified in subregulation (2) if –
- (a) there are no functional weighbridges on, or within a reasonable distance of, the landfill facility; or
 - (b) the operator of the landfill facility has been exempted under regulation 27(4) from the requirement to use a weighbridge.

Division 2 – Records and reporting

12. Landfill movement record

- (1) An operator of a landfill facility must make a record (a ***landfill movement record***) in respect of each movement of waste –
- (a) into, or out of, a landfill facility; or
 - (b) into, out of or between a part of a combined waste facility that is a landfill facility and a part of the combined waste facility that is a resource recovery facility.
- (2) A landfill movement record is to be in an approved form and is to include the following information:
- (a) the source of the waste;
 - (b) the quantity of the waste;

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- (c) the material or materials that make up the waste, classified in accordance with a classification scheme set out in guidelines issued under section 57 of the Act;
 - (d) any other information required in accordance with guidelines issued under section 57 of the Act.
- (3) In addition to the requirement under subregulation (1), the Secretary may at any time require an operator of a landfill facility to provide to the Secretary, by notice in writing, within the period specified in the notice, information in relation to landfill movement records of that facility in relation to any period, once or on an ongoing basis, and the person must comply with that requirement.

13. Waste levy return

For the purposes of section 32(2)(b) of the Act, a record specifying the aggregate information of each landfill movement record for the calendar month, in relation to the landfill facility to which a waste levy return relates, is prescribed information to be included in the return.

14. Waste levy compliance management plan

- (1) An operator of a landfill facility must prepare a draft waste levy compliance management plan in accordance with subregulation (3) in respect of the landfill facility.

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- (2) An operator of a landfill facility must submit a draft waste levy compliance management plan prepared under this regulation to the Secretary for approval –
- (a) if the landfill facility is in operation on the commencement day, within 60 days after the commencement day; or
 - (b) if the landfill facility is not in operation on the commencement day, before commencing operation of the landfill facility; or
 - (c) within the period specified in a requirement under subregulation (4)(c).
- (3) A draft waste levy compliance management plan is to –
- (a) be consistent with Ministerial standards issued under section 56 of the Act in relation to the operation of a landfill facility, if any; and
 - (b) be prepared in accordance with guidelines, if any, issued under section 57 of the Act in relation to the operation of a landfill facility; and
 - (c) specify the following matters:
 - (i) the boundary of the landfill facility;
 - (ii) the location at which, and means by which, the waste is quantified;

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- (iii) the areas within the landfill facility in which waste is stockpiled;
 - (iv) the areas within the landfill facility in which operational materials are stockpiled;
 - (v) the location of active and planned landfill cells;
 - (vi) the access and security measures employed at the landfill facility to control and record waste entering and leaving the landfill facility;
 - (vii) the procedures in place to ensure compliance with the Act.
- (4) On receipt of a draft waste levy compliance management plan, the Secretary may do one or more of the following:
- (a) approve the draft waste levy compliance management plan as submitted under subregulation (2), subject to any conditions that the Secretary thinks fit;
 - (b) require the operator of the landfill facility to provide further information in relation to the draft waste levy compliance management plan within a period specified by the Secretary;
 - (c) require the operator of the landfill facility to amend and resubmit the draft waste levy compliance management plan for

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approval within a period specified by the Secretary.

- (5) The operator of a landfill facility must comply with the waste levy compliance management plan approved by the Secretary under subregulation (4)(a) in relation to the landfill facility.
- (6) In this regulation –

operational material means material brought on to a landfill facility that is used in rehabilitation of the land or the construction of the landfill and is not disposed of into the landfill.

15. Amendment of waste levy compliance management plan

- (1) The Secretary may, from time to time, request that a landfill operator amend and resubmit a waste levy compliance management plan previously approved under regulation 14(4), within the period specified in the request.
- (2) A landfill operator must amend and resubmit a waste levy compliance management plan as requested under subregulation (1).
- (3) If the landfill operator amends and resubmits the waste levy compliance management plan under subregulation (2), the Secretary must approve the amended waste levy compliance management plan.

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Part 3 – Landfill Facility Requirements

- (4) A landfill operator may apply to the Secretary at any time to amend and resubmit for approval a waste levy compliance management plan previously approved under regulation 14(4).
- (5) If a landfill operator makes a successful application under subregulation (4), regulation 14(3) and (4) apply as if the resubmitted plan were a draft waste levy compliance management plan.

16. Attributable levy amount disclosure

- (1) In this regulation –

attributable levy amount, in relation to waste, means an amount directly attributable to the recovery of the amount of the prescribed levy in relation to that waste.

- (2) If any amount of a fee charged by a landfill facility operator to a person for the disposal of waste into, or onto, the landfill facility is an attributable levy amount, the operator must ensure that that amount is specified on any receipt or invoice issued to the person by the operator of the landfill facility in relation to the fee charged to the person.

17. Annual return

- (1) An operator of a landfill facility must, before 1 November in each year, submit an annual return to the Secretary in relation to the landfill facility for the previous financial year.

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- (2) An annual return submitted under subregulation (1) is to be in an approved form.

18. Record-keeping

For the purposes of section 37(e) of the Act, the following documents are prescribed:

- (a) a landfill movement record;
- (b) a copy of the waste levy compliance management plan approved under regulation 14(4)(a);
- (c) any document or record produced by a weighbridge operator, and given to an operator of a landfill facility, in relation to the use of a weighbridge, the reading from which is used to make a landfill movement record.

**PART 4 – RESOURCE RECOVERY FACILITY
REQUIREMENTS**

Division 1 – Operational requirements

**19. Methods of measurement of waste movement in
respect of resource recovery facility**

(1) In this regulation –

weighbridge means a weighbridge being operated in accordance with the “Weighbridge Operators Manual: A Guide for Operators who Conduct Public Weighings”, published in 2008, and as amended from time to time, by the National Measurement Institute established under the *National Measurement Act 1960* of the Commonwealth.

(2) Subject to subregulation (3), a person responsible in relation to a resource recovery facility must use a weighbridge, either at the facility or at another location, to quantify the movement of waste into, or out of, the facility for the purposes of making a resource recovery movement record.

(3) If it is not reasonably practicable to use a weighbridge as specified in subregulation (2), the person responsible in relation to the resource recovery facility must estimate the quantity of the movement of waste into, or out of, the facility for the purposes of making a resource recovery movement record using an approved

weight estimation method in accordance with guidelines issued under section 57 of the Act.

- (4) For the purposes of this regulation, it is not reasonably practicable to use a weighbridge as specified in subregulation (2) if –
- (a) there are no functional weighbridges on, or within a reasonable distance of, the resource recovery facility; or
 - (b) the person responsible in relation to the resource recovery facility has been exempted under regulation 27(4) from the requirement to use a weighbridge.

Division 2 – Records and reporting

20. Application of Division

This Division applies to a resource recovery facility that is not part of a combined waste facility.

21. Resource recovery movement record

- (1) A person responsible in relation to a resource recovery facility must make a record (a ***resource recovery movement record***) in respect of each movement of waste into, or out of, a resource recovery facility.
- (2) A resource recovery movement record is to be in an approved form and is to include the following information:

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- (a) the source of the waste;
- (b) the quantity of the waste;
- (c) the material or materials that make up the waste, classified in accordance with a classification scheme set out in guidelines issued under section 57 of the Act;
- (d) any other information required in accordance with guidelines issued under section 57 of the Act.

22. Resource recovery monthly return

- (1) A person responsible in relation to a Class A resource recovery facility must give to the Secretary, within 30 working days after the end of each calendar month, a return specifying the aggregate information of each resource recovery movement record made during the calendar month in relation to the movement of waste at that Class A resource recovery facility.
- (2) A return under this regulation is to be in the approved form.
- (3) In addition to the requirement under subregulation (1), the Secretary may at any time require a person responsible in relation to a resource recovery facility to provide to the Secretary, by notice in writing, within the period specified in the notice, information in relation to resource recovery movement records of that facility in relation to any period, once or on an

ongoing basis, and the person must comply with that requirement.

23. Annual return

- (1) A person responsible in relation to a resource recovery facility must, before 1 November in each year, submit an annual return to the Secretary in relation to the resource recovery facility for the previous financial year.
- (2) An annual return submitted under subregulation (1) is to –
 - (a) be in an approved form; and
 - (b) if the resource recovery facility to which the return relates is a Class B resource recovery facility, include the aggregate information of each resource recovery movement record made by the resource recovery facility during the financial year to which the return relates.

24. Record keeping

For the purposes of section 39 of the Act, the following information is prescribed:

- (a) a resource recovery movement record;
- (b) a copy of each resource recovery monthly return given, by a person responsible in relation to the resource recovery facility, to the Secretary under regulation 22;

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Part 4 – Resource Recovery Facility Requirements

- (c) any results in respect of the resource recovery facility of any volumetric survey carried out in accordance with section 36 of the Act;
- (d) copies of all correspondence between a person responsible in relation to the resource recovery facility and the Secretary.

PART 5 – MISCELLANEOUS

25. Electronic information

- (1) Subject to subregulation (2), a person may keep, provide or submit information required for the purposes of the Act electronically.
- (2) If a person is required to provide or submit information to another person, it must be provided or submitted by a means consented to by the other person.

26. Transitional exemption for Class B resource recovery facilities

A person responsible in relation to a Class B resource recovery facility is exempt, for the period commencing on the commencement day and ending on 30 June 2024 (both days inclusive), from the operation of these regulations.

27. Applications for exemptions

- (1) A person may apply in writing to the Minister for an exemption from the operation of a provision or provisions of Part 3 of the Act.
- (2) A person may apply in writing to the Secretary for an exemption from the operation of a provision or provisions of –
 - (a) Part 4 of the Act; or

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Part 5 – Miscellaneous

- (b) these regulations.
- (3) An application made under subregulation (1) or (2) is to be –
 - (a) in the approved form; and
 - (b) accompanied by a fee of 240 fee units.
- (4) On receiving an application under subregulation (1) or (2), respectively, the Minister or Secretary may –
 - (a) approve the application, subject to any terms and conditions that the Minister or Secretary thinks fit; or
 - (b) refuse the application; or
 - (c) request that the person provide further information in relation to the application and, after receiving and considering the further information, approve the application under paragraph (a) or refuse the application under paragraph (b).
- (5) The Minister, or Secretary, respectively, is to notify the applicant in writing of a decision or request made under subregulation (4).

28. Infringement notices

For the purposes of section 45 of the Act –

- (a) an offence against a provision specified in column 2 of the table in Schedule 1 is

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prescribed as an infringement offence;
and

- (b) the penalty specified in column 3 of the table in Schedule 1 is prescribed as the penalty payable in respect of an individual for the relevant offence specified in column 2 of that table; and
- (c) the penalty specified in column 4 of the table in Schedule 1 is prescribed as the penalty payable in respect of a body corporate for the relevant offence specified in column 2 of that table.

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SCHEDULE 1 – INFRINGEMENT OFFENCES

Regulation 28

	Provision of Act	Penalty units - individual	Penalty units - body corporate
1.	Section 32(1)	20	40
2.	Section 33(3)	20	40
3.	Section 34	20	40
4.	Section 35(1)	20	40
5.	Section 35(2)	20	40
6.	Section 36(2)	20	40
7.	Section 36(4)	20	40
8.	Section 36(6)	20	40
9.	Section 37	20	40
10.	Section 38(1)	20	40
11.	Section 38(2)	20	40
12.	Section 39	20	40
13.	Section 40	20	40
14.	Section 41	20	40
15.	Section 42(4)	20	40
16.	Section 43(4)	20	40

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	Provision of Act	Penalty units - individual	Penalty units - body corporate
17.	Section 44(4)	20	40

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 29 June 2022.

These regulations are administered in the Department of Natural Resources and Environment Tasmania.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations prescribe, for the purposes of the *Waste and Resource Recovery Act 2022* –

- (a) the amount of the waste levy for the period commencing 1 July 2024; and
- (b) requirements in relation to the operation of landfill facilities and resource recovery facilities; and
- (c) requirements in relation to the records of landfill facilities and resource recovery facilities; and
- (d) amounts and purposes for which the Secretary may apply funds contained in the Waste and Resource Recovery Account; and
- (e) infringement offences and the penalties payable for those offences; and
- (f) other miscellaneous matters.