Office of Resource Recovery–Waste Levy

Measure and record particular amount of waste other than by weighbridge

Operational policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Department of Environment and Science. Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.

# Policy subject

Agreements for measuring and recording a particular amount of waste and other material when it is not practicable to use the weighbridge, as provided for under section 60(3) of the *Waste Reduction and Recycling Act 2011* (the Act).

# Purpose

This operational policy provides a framework for considering requests from a waste disposal site operator (‘the operator’) for an agreement under section 60(3) of the Act to measure and record a particular amount of waste or other material being moved on a regular basis between the resource recovery area (RRA)[[1]](#footnote-1) and the levyable waste disposal site (LWDS) (‘internal movements’).

This operational policy does not apply to movements of waste or other material into or out of the waste disposal site or at sites which do not have a declared RRA.

# Background

Section 59 of the Act requires that waste of any amount, and other material over one tonne, be measured when delivered to or out from a waste disposal site, or moved internally between the RRA and LWDS.

Section 60 of the Act requires that, if installed, a weighbridge must be used to measure and record these movements.

Section 60(3) of the Act provides that if it is not practicable to use the weighbridge for a particular amount of waste or other material, then the measuring and recording may be done in a way agreed to in writing by the operator and chief executive (the ‘agreed way’).

The amount of levy payable to the State is calculated from the amount of waste measured and recorded as being moved from the RRA to the LWDS or delivered directly to the LWDS.

Despite technological advances in measuring instruments, advice from the National Measurement Institute is that a weighbridge is still generally recognised as providing the ‘gold standard’ for measuring waste and other materials associated with the operation of a waste disposal site.

Where only one weighbridge is installed at a waste disposal site, vehicles moving waste or other material internally between the RRA and LWDS (‘internal movements’) will need to travel to the weighbridge, and may need to exit and re-enter the waste disposal site in order to pass over the weighbridge and comply with the requirements of section 60.

Due to site safety, logistical or planning permission restrictions, this may not be practicable for some operators.

Examples include:

* on-site vehicles may be too large for the weighbridge
* on-site vehicles may not be registered for use on public roads
* turning circle or road access may not be viable for some vehicles
* safety issues with vehicles exiting and turning to re-enter site and other road users
* development approval or council by-laws may limit the amount of vehicle movements off-site
* other restrictions on vehicle entry/exit and U-turns for large vehicles
* on-site constraints that limit additional truck movements from within the site to the weighbridge at the front end of the site including:
	+ roads leading to and from the weighbridge
	+ capacity at weighbridge for additional vehicle movements
	+ insufficient space on the site for construction of additional roads to/from the weighbridge or an additional weighbridge.

# Policy statement

In general, the chief executive will only agree to requests for a one-off movement of a particular amount of waste of other material. This is consistent with the examples provided in conjunction with section 60(3) of the Act, such as a large aircraft.

However, the chief executive will consider requests for internal movements of a particular amount of waste or other material on a regular basis where there are site safety, logistical or planning permission restrictions that make it impracticable for the operator to use the weighbridge installed on the site.

This is subject to the chief executive being satisfied that the proposed ’agreed way’ is temporary (maximum term of 12 months) and that the operator is taking all reasonable actions to remedy the site safety, logistical or planning permission restrictions so that a weighbridge can be used to measure and record the particular amount of waste or other material.

The chief executive may refuse to agree to a proposed ‘agreed way’ that does not include use of a measuring instrument that is a Trade Approved Instrument with certificate of verification and data plate displaying an approval number from the National Measurement Institute.

Due to problems maintaining calibration, the chief executive will not agree to a measuring instrument used in association with an excavator.

Where a previous agreement has expired (the ‘previous agreed way’), and the operator is requesting a new agreement for the same situation or amount of waste or other material, the chief executive may refuse to agree to the new request unless satisfied that the operator has:

1. complied with the terms of the ‘previous agreed way’, including any reporting requirements; and
2. for the ‘previous agreed way’ with a term of 12 months, has taken all reasonable actions to revise on-site operational practices and remedy the site safety, logistical or planning permission restrictions to enable the waste or other material to be measured using a weighbridge.

Provided other criteria, such as submission of reports and the type of measurement instrument used, are satisfied, this requirement does not apply to operators that generally move a particular type of waste or other material in a vehicle that is physically too large or too heavy to fit on the weighbridge.

***Limitations and requirements***

The following specific limitations and requirements will apply to agreements to measure and record internal movements of a particular amount of waste or other material using an ‘agreed way’ on a regular basis:

1. there must be clear site safety, logistical or planning permission restrictions which make using the weighbridge impracticable
2. the particular type of waste or other material to which the proposed agreement applies must be specifically identified in the request for an ‘agreed way’
3. a measuring instrument proposed to be used for the ‘agreed way’ must be a Trade Approved Instrument with certificate of verification and data plate displaying an approval number from the National Measurement Institute (NMI)
4. a copy of the NMI certificate of verification and data plate approval number for each measuring instrument proposed to be used must be included with the request for an ‘agreed way’
5. in seeking agreement, the operator must demonstrate:
6. the process by which movements will be measured and recorded using the proposed ‘agreed way’
7. how the proposed ‘agreed way’ will be able to fairly calculate the total waste levy amount payable to the State on the waste moved from the RRA to the LWDS
8. that the proposed ‘agreed way’ can comply with the same standard of record keeping, waste data returns and reporting of data as if the waste or other material were measured using the weighbridge
9. any actions being taken/proposed to be taken to remedy the site safety, logistical or planning permission restrictions to enable the particular amount of waste or other material to be measured and recorded using a weighbridge
10. the operator must ensure all records include the information required under section 60 of the Act as if the weighbridge was being used, including:
* the type of waste or other material
* whether the waste was generated in the waste levy zone, the non-levy zone or outside Queensland
* details of any exemption or discount applying to the waste
* the vehicle used to move the waste or other material
* any other information as published on the department’s website
1. the agreement will be for a maximum of 12 months
2. the chief executive may cancel the agreement at any time by notifying the operator in writing
3. the operator may cancel the agreement at any time by notifying the chief executive in writing
4. operators granted an agreement must prepare and submit reports to the chief executive by:
	1. for 12 month agreements–the start of the eleventh month from the start of the agreement period, detailing how measurement of waste or other material for internal movements using the ‘agreed way’ has met the same standard of measurement, record keeping and reporting as measurement by a weighbridge.
	2. for agreements less than 12 months–on expiration of the agreement.

# Authorities

The *Waste Reduction and Recycling Act 2011* provides that if it is not practicable to use the weighbridge installed at the waste disposal site to measure and record a particular amount of waste or other material, the operator may measure and record the waste in the way the operator and the chief executive agree to in writing.

# Human Right Compatibility

The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this operational policy, officers must comply with that obligation (refer to [Comply with Human Rights Act).”](https://www.forgov.qld.gov.au/humanrights)

# Further information

A pro-forma ‘Agreement Request–Measure and record particular amount of waste other than by weighbridge’ is available to assist operators seeking agreement from the chief executive to measure internal movements of waste or other material in a way other than via the weighbridge.

This departmental policy should be read in conjunction with the following:

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| * Agreement Request–Measure and record particular amount of waste other than by weighbridge
* Agreed way of measuring waste–Agreement: Measure and record particular amount of waste other than by weighbridge

Approved by  |
| Dylan WalkerDirectorOffice of Resource Recovery |  | 02 June 2020 |  |
| Signature |  | Date |  |
|  |  | **Enquiries:**Office of Resource RecoveryDepartment of Environment and SciencePh. 07 3330 6021Email: WasteLevyApps@des.qld.gov.au |

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**Version history**

| **Version** | **Effective date** | **Comments** |
| --- | --- | --- |
| 1.00 | 20 June 2019 | Original |
| 2.00 | 02 June 2020 | Policy amended to further clarify and reflect legislative requirements, limitations and human rights compatibility. |

1. As declared under section 72S of the Act [↑](#footnote-ref-1)