

Draft Waste and Resource Recovery Regulations 2022

Explanatory Paper



Contents

SUBMISSIONS	4
ABBREVIATIONS	5
1. SUMMARY OF THE ACT	6
2. INTRODUCTION	6
Explanation of terms used in this Paper	7
3. EXPLANATION OF THE REGULATIONS	7
Part 1: Preliminary	7
Short Title and Commencement	7
Interpretation.....	7
Part 2: General	9
Places not considered to be landfill or resource recover facilities	9
Application of funds – waste and resource recovery account.....	9
Matter excluded from the Waste Levy	10
Amounts and commencement dates of the waste levy	11
Requirements for purposes of act.....	11
Part 3 – Requirements for Landfill Facilities	12
Division 1 – Operational Requirements: regulations 11 and 12.....	12
Division 2 – Records and Reporting regulations 13 to 19.....	12
Part 4 – Resource Recovery Facility Requirements	14
Division 1 – Operational Requirements	14
Division 2 – Records and Reporting for resource recovery facilities regulations 21 to 25	14
Part 5 – Miscellaneous - Regulations 26 to 29	16
4. FURTHER INFORMATION	17



SUBMISSIONS

Submissions on any aspect of the draft Regulations and accompanying Explanatory Paper are invited. Comment on the potential impacts of the proposed Regulations from waste and resource recovery industries and other sectors of the community are especially invited.

Submissions will be considered, and a summary provided to the Subordinate Legislation Review Committee of the Tasmanian Parliament before the Regulations are made. Submissions must be in writing and forwarded to:

Waste and Resource Recovery Regulations Review
Environment, Heritage and Lands Division
Department of Natural Resources and Environment Tasmania
GPO Box 44
Hobart Tas 7001

Submissions may also be emailed to: waste.initiatives@nre.tas.gov.au

Submissions must be received by **5.00 p.m., Wednesday 20 April 2022.**

If you have any queries about these documents, or if you require a copy of the proposed Regulations, please contact:

Waste and Resource Recovery Regulations Review
Environment, Heritage and Land Division
Department of Natural Resources and Environment Tasmania
Email: waste.initiatives@nre.tas.gov.au

Please Note

Respondents are advised that the contents of submissions will not be treated as confidential unless they are marked 'confidential' and are capable of being classified as such in accordance with the *Right to Information Act 2009*.

Respondents are also advised that personal information in submissions will be treated as public information unless the submissions are marked 'confidential', in which case the information will be handled in accordance with the principles of the *Personal Information Protection Act 2004*.

This document may be freely copied and distributed.

Disclaimer

The information provided in this document is provided in good faith. The Crown, its officers, employees and agents do not accept liability however, arising, including liability for negligence, for any loss resulting from the use or reliance upon the information in this document and/or on its availability at any time.

ABBREVIATIONS

CPI	Consumer Price Index
NRE Tas	Department of Natural Resources and Environment Tasmania
EMPCA	<i>Environmental Management and Pollution Control Act 1994</i>
EPA Board	Environment Protection Authority Board
EPA	Environment Protection Authority
LF	Landfill Facility
LMR	Landfill Movement Record
LGAT	Local Government Association of Tasmania
RIS	Regulatory Impact Statement
RRF	Resource Recovery Facility
RRMR	Resource Recovery Movement Record
Secretary	Secretary of the Department of Natural Resources and Environment Tasmania
WRR	<i>Waste and Resource Recovery Act 2022</i>
WRR Board	Waste and Resource Recovery Board
WLCMP	Waste Levy Compliance Management Plan

1. Summary of the Act

The *Waste and Resource Recovery Bill* was passed by Parliament in March 2022. A Regulatory Impact Statement (RIS) was prepared on the draft Bill and released for public comment in early 2021. The RIS assessed different waste levy models and their impacts on business, government, and the community. A copy of the report is available here: [Waste Levy Impact Study - Urban EP Report¹](#)

The main provisions of the new Waste and Resource Recovery Act are:

- Enable the introduction of a state-wide levy to be paid for each tonne of waste disposed to landfill.
- Establish the Waste and Resource Recovery Board.
- Provide for the Board to have a range of functions, including:
 - the development and implementation of a state-wide waste strategy that will set long and short-term objectives for waste minimisation, and investment in the waste and resource recovery sectors, and
 - supporting access to waste services, particularly in regional and remote areas.
- Set the initial levy amount and allow future levy amounts to be prescribed in the Regulations.
- Entitle landfill operators to claim a full rebate for each tonne of waste recovered from their landfill and sent to a resource recovery facility.
- Require operators of landfill and resource recovery facilities to comply with the operational and other requirements of the Act and Regulations, including reporting of data about waste.
- Allow for certain facilities and waste types to be excluded from the levy if there is a clear public interest to do so.
- Require collected levies to be deposited in a dedicated 'Waste and Resource Recovery Account'. The funds in the Account may only be used by the Board for its functions and approved waste strategy; and for purposes to be set out in regulations including relevant administrative and compliance costs.
- Allows for the appropriate sharing of information and data between the Board, the Secretary of the Department, and the Environment Protection Authority (EPA), to support efficient administration of the waste levy and waste data systems.

2. Introduction

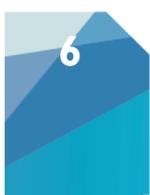
Draft Regulations have been developed to support the *Waste Resource and Recovery Act 2022*, which was passed by Parliament in March 2022.

This Explanatory Paper outlines the main objectives of these Regulations which set out the requirements that landfill and resource recovery facility operators must carry out to comply with the Act.

The main elements of the Regulations include:

- The amounts and commencement periods of the waste levy from 2024.

¹ Available at [https://nre.tas.gov.au/Documents/Waste Levy Impact Study - UrbanEP.pdf](https://nre.tas.gov.au/Documents/Waste%20Levy%20Impact%20Study%20-%20UrbanEP.pdf)



- Data collection, record keeping and reporting requirements for landfill and resource recovery operators.
- Waste and recyclable materials measurement methods and infrastructure requirement.
- Waste Levy Exclusions.
- Application of funds from the Waste and Resource Recovery Account.
- Penalties, including Infringement Notices under the Act.

Explanation of terms used in this Paper

The Act provides definitions of ‘landfill facility’, ‘resource recovery facility’ and ‘combined waste facility’ to provide a clear legal and practical framework to address obligations under the Act. These terms need some clarification because they may differ from those used by some waste management businesses and the wider community.

A landfill facility, for the purposes of the Act, is where waste is lawfully disposed of to land. The inclusion of “lawful” is to restrict the application of the levy to clearly identified and regulated disposal operations. Sites where waste material is lawfully being used for some benefits do not constitute “disposal” and therefore would not be a landfill facility. For example, the application of organic waste material to land for soil improvement is not “disposal”.

Illegal dumping is an offence under both the *Environmental Management and Pollution Control (Waste Management) Regulations 2020* and the *Litter Act 2007*. Furthermore, the *Environmental Management and Pollution Control Act 1994* now has a significant new offence of conducting a level 2 activity without authorisation, which would include illegal disposal of 100 tonnes or more of waste in a year. There is a penalty under the *Waste and Resource Recovery Act 2022* for evasion of the waste levy (see section 34 Evasion of Levy in the Act), which may include illegal dumping activities.

Resource recovery is a broad term that includes waste reuse, recycling, energy recovery and the sorting or preparation of waste that may precede these activities.

3. Explanation of the Regulations

Part I: Preliminary

SHORT TITLE AND COMMENCEMENT

This section deals with administrative matters such as the title of the Regulations and their commencement. Parts 3 and 4 of the Act will not commence until they have been proclaimed; it is anticipated that the levy will commence on 1 July 2022. The Regulations are tied to the commencement date of Part 3 of the Act and are therefore intended to come into effect on 1 July 2022.

INTERPRETATION

This section defines terms used throughout the Regulations. Classification of landfill and resource recovery facilities are based on the volume of waste received each year. Class A landfill and resource recovery facilities are those that receive more than 10,000 tonnes per annum of waste.

Class B landfill facilities are those that receive more than 99 tonnes and less than 10,001 tonnes per annum while Class B resource recovery facilities are those that receive more than 999 tonnes and less than 10,001 tonnes per annum.

The main requirement for resource recovery facilities under legislation is to supply data about waste material received and processed. As only a small proportion of waste and resource recovery is carried out by those facilities that process less than 1,000 tonnes per annum, collecting data from these facilities was not considered appropriate. They are therefore not deemed resource recovery facilities for the purposes of these Regulations, as set out in [regulation 6](#).

Requirements for the Class A resource recovery facilities differ from Class B and are set out in Part 4 of the Regulations. Class A facilities are to supply monthly resource recovery returns whereas Class B facilities are to submit annual returns. Annual returns for both landfill and resource recovery facilities are based on the past financial year (1 July to 30 June) and should be submitted before 1 November each year.

Please note that regulation 27 grants Class B resource recovery facilities an exemption from complying with these Regulations for the first two years – from 1 July 2022 until 30 June 2024. This is to allow them time to develop and set up the systems required to capture the prescribed data and information.

‘Combined waste facility’ defines the situation where landfill and resource recovery facilities are co-located on the same premises. Landfill facility operators within a combined waste facility are required to complete a Waste Levy Compliance Management Plan (WLCMP). Regulations 15 and 16 set out the requirements for these plans. A major objective of these plans is to define the boundaries of each facility and how they interact with one another. At some combined waste facilities, the landfill and resource recovery operators may be the same business or person, which will simplify the requirements outlined in Parts 3 and 4 of this Paper.

Landfill and resource recovery facility movement records are listed in this section and are defined in regulations 13 and 22 respectively. These will be addressed in Parts 3 and 4 of this Paper.

The final section of Interpretation outlines that for these Regulations, weighbridges must be operated in accordance with the National Measurement Institute’s “Weighbridge Operators Manual: A Guide for Operators who Conduct Public Weighings”. This is to make sure that all weighbridges are calibrated and operated in the same way to ensure weighing consistency across facilities for accurate calculation of the waste levy and measurement of waste flows. The use of a weighbridge is the preferred measurement method and is covered in more detail in regulations 12 and 20.

Other terms defined in this section are administrative and self-explanatory – such as Act, commencement day, and financial year.

Part 2: General

PLACES NOT CONSIDERED TO BE LANDFILL OR RESOURCE RECOVER FACILITIES

Regulation 5 defines facilities that are not considered to be landfill facilities for the purposes of the Act. This includes landfill facilities that receive less than 100 tonnes per annum and facilities that receive only waste that is excluded from paying the levy. These excluded wastes are set out in regulation 8 of these Regulations.

It has been determined that the benefits arising from the amount of levy revenue raised from these smaller facilities would not exceed the costs of setting up the necessary measurement and administrative systems. Most of these smaller facilities are privately owned (for example, land used for primary production) and the volume of waste being deposited is not deemed significant in terms of the overall volumes of waste being deposited into landfills.

Regulation 6 establishes that resource recovery facilities receiving less than 1,000 tonnes per annum is not considered a resource recovery facility for the purposes of the Act. See explanation in “Interpretation” above.

APPLICATION OF FUNDS – WASTE AND RESOURCE RECOVERY ACCOUNT

Waste levy payments to Local Government

Payments to local government regional waste authorities do not form part of these Regulations. The State Government has made a separate commitment to replace the voluntary levies already collected in some parts of Tasmania to fund regional strategic waste management, infrastructure, and education activities.

Payment from this account to local government will be determined using the powers under section 14 of the Act that allows the Minister to issue a Direction to the Waste and Resource Recovery Board (the Board). The Board is responsible for setting strategic directions for waste and resource recovery across the whole of Tasmania. It will do this through a comprehensive waste strategy, developed in consultation with a wide range of stakeholders and the community. The Minister has stated an intention to direct the Board to incorporate a role for local government regional waste management groups into its initial waste strategy and to establish a process whereby all the regional groups may apply for a disbursement to fund that role.

The Minister will apply the following set of principles in determining the disbursement model. First, that no regional waste management body will be worse off with the transition to a state-wide levy. Second, that all regional waste management bodies will be treated consistently; and third, that all regional bodies receiving funds from the state-wide levy will be accountable for use of those funds in accordance with the waste strategy.

The regional waste management groups will report to and be accountable to the Board for the use of the funds. This supports continuation of existing arrangements where councils already work together on waste and resource recovery projects.

Island and remote municipalities that cannot readily participate in the regional waste management groups will be permitted to apply for a disbursement to support their waste and resource recovery activities. It is the Government's expectation that these councils will participate in the levy under special arrangements that ensure they are net beneficiaries of the levy to assist them to invest in waste management options that help overcome the disadvantages of remoteness and scale faced by these communities.

Waste levy payments to State Government

Regulation 7 outlines payments to be made to the Environment Protection Authority (EPA) and Department of Natural Resource and Environment Tasmania (NRE Tas) by the Secretary from the Waste and Resource Recovery Account.

Levy funds will be disbursed to the EPA to carry out their regulatory functions under the *Litter Act 2007* and the *Environmental Management and Pollution Control Act 1994* concerning illegal dumping and littering. The introduction of a waste levy may result in a rise in littering and illegal dumping as some people seek to avoid paying the levy. The EPA will need additional resources to ensure that people and organisations comply with their legislative requirements. The approximate value of funds disbursed to the EPA to carry out these functions is \$500,000 per annum expressed as 303 031 fee units in regulation 7(a).

Funds will also be directed to NRE Tas to establish and operate a Waste Levy and Data Unit responsible for setting up the waste levy payment system and ensuring compliance with the Act. They will also be responsible for establishing the record keeping and information collection systems to assist operators with the collection of data. The Unit will collate and report this data to the Board to inform their decision making with respect to the state-wide waste strategy, grants and to monitor waste volumes going to landfills and resource recovery facilities. The Unit will also have a compliance role to ensure that waste levy payment and reporting requirements are met by facility operators. The approximate value of funds to be disbursed to NRE Tas to carry out these functions is \$1 million per annum expressed as 606 061 fee units in regulations 7(b).

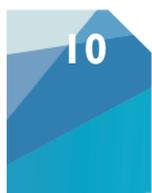
MATTER EXCLUDED FROM THE WASTE LEVY

There are waste materials that are not subject to the waste levy. These materials have been excluded for a range of reasons such as the health risks they pose to the community if not properly disposed of (e.g., asbestos) and for which there is no reasonable prospect of appropriate resource recovery, materials that provide an economic benefit (e.g., organic waste spread to land for soil improvement) or natural mining materials such as tailings or overburden.

It is common practice at landfills to use waste material for operational purposes such as land rehabilitation or as cover within the landfill. The definition of operational material is found at regulation 15(6) in the section concerning Waste Levy Compliance Management Plans. To take account of waste material used for these purposes, 10 per cent of waste received to a landfill each month is considered to be operational material and is not subject to the levy. This percentage is reflective of amounts commonly used across other Australian jurisdictions.

The six categories proposed to be excluded from the waste levy are:

1. Asbestos that has been transported to the landfill facility by an appropriately licensed controlled waste transporter.



2. Quarantine material – defined as prohibited matter under the *Biosecurity Act 2019*.
3. Organic material used for the purposes of soil improvement – for example animal wastes spread on agricultural land.
4. Treated wastewater from a wastewater treatment plant.
5. Natural mining matter – tailings, overburden, waste rock, material used for earthworks.
6. Ten per cent of all waste matter received in a month to account for waste used for operational purposes at the landfill site.

AMOUNTS AND COMMENCEMENT DATES OF THE WASTE LEVY

The amount and commencement of the first phase of the waste levy is set out in the Act. The initial value of the waste levy is approximately \$20/tonne, expressed as 12 fee units. The commencement date will be upon proclamation of Part 3 of the Act, which is expected to be 1 July 2022, and will continue for two years until 30 June 2024.

Regulation 9 sets out the amounts and commencement dates of the waste levy for the second and third phases. During the second phase (1 July 2024 to 30 June 2026) the levy will equate to about \$40 per tonne (24 fee units) and during the third phase (after 30 June 2026), about \$60 per tonne (36 fee units).

The amounts of the waste levy are expressed in fee units as defined in the *Fee Units Act 1997*. The *Fee Units Act* provides for the automatic indexation of most Government levies, fees, and charges in line with movements in the Consumer Price Index (CPI). This indexation ensures that the real value of the waste levy is maintained over time by adjusting for the impact of inflation. In economic terms this means that the nominal value of the waste levy in July 2024 will be higher than \$40 – it will be \$40 plus the increase in the CPI – otherwise known as the inflation rate. Failing to account for the inflation rate would mean that the real value of the waste levy would decline over time.

While the Regulations do not specify an end date for the levy or subsequent changes after 2026, it should be noted that under Tasmania's Subordinate Legislation Act, all regulations are required to be reviewed within 10 years to ensure their continuing appropriateness and applicability. That statutory review process (which includes Parliamentary scrutiny) would consider whether the levy amount continues to be appropriate or requires adjustment.

REQUIREMENTS FOR PURPOSES OF ACT

Regulation 10 sets the sections under the Act which grant power to require both landfill and resource recovery facility operators to carry out certain actions under these Regulations. Section 35(1) of the Act states that a landfill operator “must ensure that the landfill facility, and the operation of the landfill facility, comply with each requirement prescribed for such a facility.” Failure to comply results in a penalty of up to 200 penalty units. Regulation 10(1) then sets out all the relevant regulations that set out those requirements. For example, regulation 11(4) is about the requirement for Class A landfill facility to carry out a volumetric survey. Regulation 10(2) establishes the requirements for resource recovery facility operators as established by section 38(1) of the Act. For example, regulation 20(1) requires a resource recovery facility operator to use a weighbridge where it is reasonably practicable to do so.



Part 3 – Requirements for Landfill Facilities

This Part of the Regulations is divided into two Divisions. The first division sets out regulations that deal with the operational requirements to be met by landfill operators. Division 2 deals with the requirements about records and reporting.

DIVISION 1 – OPERATIONAL REQUIREMENTS: REGULATIONS 11 AND 12

Regulation 11 defines a landfill cell, outlines the required standards for carrying out a volumetric survey and requires Class A landfills to carry out a volumetric survey of all landfill cells at the facility. A Ministerial Standard or guidelines will set out the way these surveys are to be carried out.

Regulation 12 sets out two methods of measuring waste as it moves into and out of a landfill facility. These are:

1. If a weighbridge is accessible and available, either on-site or off-site, then this is the required and preferred method of measuring volumes of waste movements.
2. If a weighbridge is not available or accessible, then the volumes of waste movements must be estimated using an approved weight estimation method. These methods will be set in guidelines for operators' use.

Regulation 12(3) outlines the situations when failing to use a weighbridge is acceptable – such as the weighbridge is out of commission as it is undergoing repairs or there is no weighbridge located within reasonable distance of the landfill facility or where an operator has been granted an exemption from having to use a weighbridge.

DIVISION 2 – RECORDS AND REPORTING REGULATIONS 13 TO 19

This Division sets out the requirements for operators to make landfill movement records and to provide waste levy returns, annual returns, and a Waste Levy Compliance Management Plan.

Regulation 13 makes it a requirement to complete a landfill movement record for each movement of waste into and out of a landfill facility and for movements of waste within a combined waste facility (between a landfill and resource recovery facility). The record is to be kept in a form specified by NRE Tas.

Regulation 14 requires operators to prepare and submit a monthly 'Waste Levy Return' for their facility, containing aggregated waste movement data. This will include details of loads received and removed from a landfill facility, including the amount and class of waste in each load.

Regulation 15(3) outlines the requirements for the preparation and submission of a Waste Levy Compliance Management Plans (WLCMP) by landfill operators. Existing landfill operators have 60 days to submit their plan to the Secretary of NRE Tas after the commencement of the levy (1 July 2022). Any new landfill facilities that establish after the introduction of the waste levy scheme must have an approved a WLCMP in place prior to commencing operations.

Components of a Waste Levy Compliance Management Plan

Sub-regulation 15(3) sets out the requirements for a WLCMP. Firstly, the plan must be prepared in accordance with any Ministerial Standards or Guidelines that have been issued under the Act.

The Plan should specify:

- boundaries of the facility
- the location and means by which waste is measured
- waste stockpile locations
- operational material stockpile/s
- location of active and planned landfill cells
- access and security measures used to control and record waste movements into and out of the facility
- compliance procedures.

Secretary's actions regarding a WLCMP

Sub-regulation 15(4) outlines the actions the Secretary of NRE Tas will take once the WLCMP has been received. These actions include:

- Approving the plan; or
- Requiring further information within a determined time; or
- Requiring an amendment and resubmission of the plan within a set time.

Once approved, the landfill operator must comply with the approved plan.

Regulation 15(6) defines operational material – the material used for land rehabilitation or construction at the site. Under regulation 8(f), allowance is made for 10 percent of leviable waste received at a landfill facility each month to be excluded from the levy in lieu of operational material.

Regulation 16 addresses requirements for landfill operators when a WLCMP requires amendment. The Secretary may require the plan to be amended due to operational changes for example. The operator is required to amend and resubmit the plan for approval for the Secretary to assess and approve. The landfill operator may also initiate an amendment to the plan by applying to the Secretary for approval to amend and resubmit the plan.

Attributable levy amount disclosure

This regulation defines the term “attributable levy amount” which means the amount of the levy to be paid for the volume of waste deposited at a landfill. The regulation also states that landfill operators must ensure that the levy amount is shown on any receipt or invoice issued for fees charged to people depositing waste at a landfill. This is to ensure transparency for people using the landfill facilities and accountability by landfill operators when meeting their reporting requirements under these Regulations.

Annual Returns

Landfill operators are required to supply the Secretary with an annual return on the waste movements in the previous financial year by 1 November of each year. These returns must be completed on an approved form supplied by NRE Tas.

Record-keeping

This regulation outlines the three prescribed documents that landfill operators must keep and provide upon request:

1. A landfill movement record – which records waste movements into and out of a landfill facility.
2. A copy of the approved Waste Levy Compliance Management Plan.
3. External weighbridge documents/records given to landfill operators that record the weight of waste measured by the weighbridge and reproduced in the landfill movement record.

Note that the Act makes it an offence to evade the levy or refuse to pay overdue levy amounts.

Part 4 – Resource Recovery Facility Requirements

This part of the Regulations specifies the responsibilities for operators of resource recovery facilities. It should be noted that regulation 27 provides a temporary two-year exemption for the small to medium sized Class B resource recovery facilities.

DIVISION 1 – OPERATIONAL REQUIREMENTS

Regulation 20 addresses the waste movements into and out of resource recovery facilities. It states a weighbridge must be used to measure waste movements into and out of resource recovery facilities when it is reasonably practicable to do so. If it is not practical to use a weighbridge then the volume of waste must be estimated using an approved measurement method that will be outlined by the Secretary in guidelines. The conditions for when it is “not practical” to use a weighbridge are identified in regulation 12(3). These conditions are:

1. The resource recovery facility has no access to a working weighbridge.
2. The resource recovery facility operator has received an exemption from using a weighbridge.

DIVISION 2 – RECORDS AND REPORTING FOR RESOURCE RECOVERY FACILITIES REGULATIONS 21 TO 25

This Division does not apply to waste transfer stations or to resource recovery facilities that are part of a combined waste facility (regulation 21). Regulation 13(1)(b) states that waste movements between a landfill and the resource recovery facility in a combined waste facility will be captured by the landfill operator on their landfill movement record so there is no need for the resource recovery facility to submit a Resource Recovery Movement Record (RRMR).

Resource Recovery Movement Record

Regulation 22 states that a resource recovery facility operator must make a record of waste movements into and out of their facility. This is the Resource Recovery Movement Record (RRMR) and requires the following information to be recorded:

1. The source of the waste.
2. The quantity of waste.



3. A description of the waste using the waste classification scheme set out in guidelines issued by the Secretary.
4. Any other required information as set out in guidelines.

Resource Recovery Monthly Returns

Regulation 23 sets out that Class A resource recovery facility operators are to provide the Secretary with a monthly return specifying the total volume of waste movements at that facility for that month. The information is to be provided in an approved form. Additionally, the Secretary may require, via a notice in writing, resource recovery facility operators to supply resource recovery movement records in relation to any period. This could be a once off request or on a continual basis. This requires Class A resource recovery facility to keep daily movement records in case of such a request.

Annual Return

Regulation 24 requires resource recovery facility operators to supply the Secretary with an annual return on the waste movements in the previous financial year by 1 November of each year. These returns must be provided in an approved form. If a Class B resource recovery facility is required to submit an annual return, then it must provide the aggregate information of each resource recovery monthly record for the financial year.

Record Keeping

Regulation 25 outlines the four prescribed documents that resource recovery facility operators must keep and provide:

1. A resource recovery movement record – which records movements of materials into and out of a resource recovery facility.
2. A copy of the resource recovery monthly return that was given to the Secretary under regulation 23.
3. Any results from a volumetric survey of a resource recovery facility which is part of a combined waste facility.
4. Copies of all correspondence between the resource recovery facility and the Secretary.

The table below summarises the key requirements of the regulations for the different classes of waste facilities.

Table 1. Key Minimum Requirements for Facilities Under the *Waste and Resource Recovery Act 2022*

	Class A Landfill Facility (>10,000 t/yr)	Class B Landfill Facility (>99 – <10,001 t/yr)	Combined Waste Facility	Class A RESOURCE RECOVERY FACILITIES (>10,000 t/yr)	Class B RESOURCE RECOVERY FACILITIES (>999 – <10,001 t/yr)
Waste Measurement	Weighbridge if reasonably practicable otherwise approved estimation method	Weighbridge if reasonably practicable otherwise approved estimation method	As per Landfill	Weighbridge if reasonably practicable otherwise approved estimation method	Weighbridge if reasonably practicable otherwise approved estimation method
Data Recording	Landfill Movement Record	Landfill Movement Record	As per Landfill	Resource recovery movement record	Resource recovery movement record
Data Submission	Monthly Waste Levy Return + Annual Return from 1 July 2022	Monthly Waste Levy Return + Annual Return from 1 July 2022	As per Landfill	Resource recovery monthly return from 1 July 2022	Resource Recovery Annual Return from 1 July 2024
Compliance Management Plan	Within 60 days of commencement of facility operation or the Act	Within 60 days of commencement of facility operation or the Act	As per Landfill	N/A	N/A
Volumetric Survey	Within 28 days of commencement of operation or the Act.	Within 28 days of commencement of operation or the Act.	As per Landfill	N/A	N/A

Part 5 – Miscellaneous - Regulations 26 to 29

Electronic Information

Regulation 26 allows for electronic records to be kept, provided, and submitted for the purposes of the Act. Using relevant electronic information systems and technology to capture relevant data is expected to allow for timely and efficient reporting.

Transitional exemption for Class B resource recovery facilities

Regulation 27 provides a two-year exemption for Class B resource recovery facilities (those that produce between 999 and 10,001 tonnes per annum) from meeting the requirements of these Regulations. This is to provide additional time to adjust their business systems to meet data recording and reporting requirements of these Regulations.

Applications for Exemptions

Regulation 28 sets out exemptions that can be applied for in the following circumstances:

1. An application must be made to the Minister for exemptions under Part 3 of the Act including non-payment of the waste levy.
2. An application must be made to the Secretary for exemption/s regarding operational matters under Part 4 of the Act and these Regulations.

The following two sub-regulations state that any exemption must be made in the approved form and an application fee of approximately \$400 (240 fee units) must be paid. Following an assessment of the application the Minister and/or Secretary will either:

1. Approve the application – with possible conditions attached.
2. Refuse the application.
3. Request further information.
4. In any case, notify the applicant in writing of the outcome of the application.

Infringement Notices

Regulation 29 explains the meanings of the columns in Schedule 1 of the Regulations. The Schedule outlines the relevant offence provisions of the Act and the value of the penalty units for individuals (Column 3) and body corporates (Column 4).

The value of the penalty units represents 10 per cent of the maximum penalty set in the Act for individuals and 20 per cent for body corporates. The current value of a penalty unit is \$173 per unit. The monetary value for individuals for 2021-22 Financial Year is \$3460 and \$6920 for body corporates.

4. Further Information

Further information about the Regulations is available from:

Waste Initiatives Group

GPO Box 44, Hobart, Tasmania 7001

Email: waste.initiatives@nre.tas.gov.au

Website: www.nre.tas.gov.au/environmental-management



Tasmanian
Government

Department of Natural Resources and Environment Tasmania

Email: waste.initiatives@nre.tas.gov.au

Website: www.nre.tas.gov.au