

# Operational policy

## Waste and Enforcement Services - Levy Services

### 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, Science and Innovation. Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.*

#### 1 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).

#### 2 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 more than a one-off occasion ('multiple amounts') between different areas within a waste disposal site ('internal movements'). For example, between the resource recovery area (RRA)<sup>1</sup> and the levyable waste disposal site (LWDS).

#### 3 Background

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

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

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 ('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 of the Act.

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

Examples include:

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<sup>1</sup> As declared under section 72S of the Act

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- 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.

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').

### 4 Policy statement

#### Key concepts:

Agreed way – the way waste or other material will be measured and recorded

Internal movements – a particular amount of waste or other material moved between different areas within the waste disposal site. For example, between a resource recovery area (RRA)<sup>2</sup> and the levyable waste disposal site

Multiple amounts – more than one delivery or movement of waste or other material

One-off amount – a single delivery or movement of waste or other material

Prior agreed way – an agreement as per section 60(3) of the Act, whether current or expired

Trade Approved Instrument – a measuring instrument approved by the National Measurement Institute (NMI), with certificate of verification and data plate displaying the approval number from the NMI.

In general, the chief executive will only agree to requests under section 60(3) of the Act for a one-off movement of a particular amount of waste or other material. That is, a single amount of waste or other material in a single movement or delivery. 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 may consider a request for multiple amounts of waste or other material (that is more than one movement or delivery of a type of waste or other material) moved between a RRA and another part of the waste disposal site ('internal movements') 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.

<sup>2</sup> As declared under section 72S of the Act

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This is subject to the chief executive being satisfied that the proposed 'agreed way' is temporary 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.

Agreements must end by 30 September of the same year the agreement starts, or, if the agreement start date is between September and December, by 30 September of the year after the agreement starts. The chief executive and operator may agree to an earlier end date.

The chief executive may refuse to agree to a proposed 'agreed way' unless a 'Trade Approved Instrument' will be used to measure and record the waste or other material.

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

Where the operator has previously had an agreement as per section 60(3) of the Act, (a 'prior agreed way'), whether current or expired, the chief executive may refuse to agree to a new request unless satisfied the operator has:

- a) complied with the terms of the 'prior agreed way', including any reporting requirements; and
- b) for a 'prior agreed way' for multiple amounts of waste or other material (as opposed to a one-off amount of waste), has taken all reasonable actions to revise on-site operational practices and remedy the site safety, logistical or planning permission issues to enable the waste or other material to be measured using a 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:

- i) there must be clear site safety, logistical or planning permission restrictions which make using the weighbridge impracticable
- ii) 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'
- iii) the operator may be required to provide an estimate of the amount (in tonnes) of waste or other material likely to be measured and recorded using the proposed agreed way
- iv) in general, a Trade Approved Instrument must be used to measure waste being moved from a RRA to a LWDS. Note: This does not mean including a trade approved instrument as part of a deeming methodology.
- v) 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'
- vi) in seeking the chief executive's agreement, the operator must demonstrate:
  - a) the process by which movements will be measured and recorded using the proposed 'agreed way'
  - b) how the proposed 'agreed way' will be able to fairly calculate the total waste levy amount payable to the State on waste moved to a LWDS
  - c) 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

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- d) any actions being taken/proposed to be taken to remedy the site safety, logistical or planning permission restrictions to enable the weighbridge to be used to measure and record the waste or other material
- vii) 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
- viii) the agreement must be temporary and end by 30 September of the same year the agreement starts, or, if the start date is between September and December, by 30 September the year after the agreement starts. Earlier end dates may be agreed to.
- ix) the chief executive may cancel the agreement at any time by notifying the operator in writing
- x) the operator may cancel the agreement at any time by notifying the chief executive in writing
- xi) in general, the terms of an agreement will include a requirement for the operator to prepare and submit a report to the chief executive:
  - a) for an agreement of more than 31 days and ending on 30 September – by the end of August, one month before the agreement is due to end
  - b) for an agreement of more than 31 days and ending before 30 September – by the end of one month before the agreement is due to end. (e.g. if the agreement is due to end on 30 June, the report is due by 31 May)
  - c) for an agreement of 31 days or less – by the end of the agreement

The report must detail:

- a) how measurement of the waste or other material using the 'agreed way' has provided an equivalent standard of measurement, record keeping and reporting as if the weighbridge were being used; and
- b) measures and practices implemented by the operator during the agreement period to remedy site safety, logistical or planning permission restrictions so that the weighbridge can be used to measure and record the particular waste or other material subject to the agreed way

## 5 Compliance

If the operator does not measure and record the waste or other material in the 'agreed way', this may constitute an offence against section 60(2) of the Act. Section 60(2) requires that the operator ensure that the weighbridge is used to measure and record the waste or other material. The exception is if the waste is measured and recorded in the 'agreed way'. The maximum penalty is 300 penalty units.

## 6 Authorities

Section 60(3) of 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

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material, the operator may measure and record the waste in the way the operator and the chief executive agree to in writing.

### 7 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](#)).

### 8 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 pro-forma, which can be found on the Queensland Government website.

### 9 Approved by

Dylan Walker  
Director  
Office of Resource Recovery

Signature

9 December 2020

Date

#### Enquiries:

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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.
3.00	09 December 2020	Operational policy amended to further clarify certain criteria required from the operator when requesting an agreement.
3.01	08 March 2024	Minor amendment to reflect machinery of government changes