



## **Local Law No. 8**

## **(Waste Management) 2018**

**Original as in force on 18 May 2018**

It is hereby certified that this is a true and correct copy of *Local Law No. 8 (Waste Management) 2018* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Logan.

S. Trinca  
Chief Executive Officer



## Local Law No. 8 (Waste Management) 2018

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# **Logan City Council**

## **Local Law No. 8**

### **(Waste Management) 2018**

#### **Part 1 Preliminary**

##### **1 Short title**

This local law may be cited as *Local Law No. 8 (Waste Management) 2018*.

##### **2 Application and object**

- (1) This local law and any subordinate local law made under this local law apply to the whole of the Logan City Council local government area.
- (2) The object of this local law is to protect the public health, safety and amenity related to waste management by—
  - (a) regulating the storage, servicing and removal of waste;
  - (b) regulating the disposal of waste at a waste facility; and
  - (c) ensuring that an act or omission does not result in—
    - (i) harm to human health or safety or personal injury;
    - (ii) property damage or loss of amenity; or
    - (iii) environmental harm or environmental nuisance.

##### **3 Definitions—the dictionary**

The dictionary in the Schedule (Dictionary) of this local law defines particular words used in this local law.

##### **4 Relationship to other laws**

- (1) This local law is—
  - (a) in addition to and does not derogate from laws about the management of waste; and
  - (b) to be read with *Local Law No. 2 (Administration) 2010*.
- (2) For the purposes of *Environmental Protection Regulation 2008*, section 81ZC, this local law replaces *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments).

## Part 2                   Waste management

### Division 1               Designation of areas for general or green waste collection

#### 5           Designation of areas

The local government may—

- (a)       designate areas within its local government area in which the local government may conduct general waste or green waste collection; and
- (b)       decide the frequency of general waste or green waste collection in the designated areas.

*Examples of ways the local government may designate areas for paragraph (a)—*

- by resolution of the local government
- subordinate local law
- written notice published on the local government’s website

#### 6           Meaning of *serviced premises*

Relevant premises in a local government area are *serviced premises* if—

- (a)       the relevant premises are in an area designated by the local government as an area in which the local government may conduct general waste or green waste collection under:
  - (i)       *Waste Reduction and Recycling Regulation 2011*, section 7; or
  - (ii)      section 5; or
- (b)       the local government has required the owner or occupier of the relevant premises to arrange for removal of general waste or green waste from the relevant premises.

### Division 2               General waste

#### Subdivision 1   Storage of general waste

#### 7           Owner or occupier of relevant premises to supply waste containers

- (1)       The owner or occupier of relevant premises must—

- (a) subject to subsection (2), supply standard general waste containers at the relevant premises as—
- (i) are necessary to contain the general waste produced at the relevant premises; or
  - (ii) are prescribed by subordinate local law; or
- (b) supply at the relevant premises, waste containers, other than standard general waste containers, as—
- (i) if required by the local government, are necessary to contain the general waste produced at the relevant premises; or
  - (ii) are prescribed by subordinate local law.

*Examples of ways the local government may require waste containers for paragraph (1)(b)(i)—*

- resolution of the local government
- decision of a delegate of the local government
- written notice given to the owner or occupier
- written notice published on the local government’s website
- development approval for the relevant premises

Maximum penalty—20 penalty units.

- (2) However, subsection (1)(a) does not apply if the local government supplies to the relevant premises the number of standard general waste containers the local government reasonably considers is required at the relevant premises.
- (3) If the local government supplies a standard general waste container to relevant premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the owner or occupier of the relevant premises to the local government.
- (4) However, subsection (3) does not prevent the local government from supplying a standard general waste container to relevant premises without cost to the owner or occupier of the relevant premises.

## **8 Requirements for storing general waste in waste containers**

- (1) The occupier of relevant premises must—
- (a) store general waste at the relevant premises in—
    - (i) a standard general waste container; or

(ii) if another type of waste container is prescribed by subordinate local law—the other type of container;

- (b) keep each waste container at the relevant premises clean and in good repair; and
- (c) ensure that each waste container at the relevant premises is securely covered at all times, except when the waste is being placed in, or removed from, the waste container or the waste container is being cleaned.

Maximum penalty—20 penalty units.

(2) A person must not—

- (a) place any of the following in a waste container—
  - (i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container;
  - (ii) material that is smouldering or aflame;
  - (iii) matter or a thing that is alive; or
  - (iv) a thing stated in a subordinate local law;
- (b) remove or disturb the cover of a waste container, except when placing waste in or cleaning the waste container;
- (c) use or damage a waste container so that it is not weatherproof or serviceable or cannot be securely covered; or
- (d) disturb or otherwise interfere with the contents of a waste container.

Maximum penalty—20 penalty units.

(3) The occupier of the relevant premises must not allow a person to place a thing in a waste container in contravention of subsection (2)(a).

Maximum penalty—20 penalty units.

(4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

## **9 General requirements for keeping waste containers at serviced premises**

(1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—

- (a) if the local government requires the waste container to be kept at a particular place at the premises—at the place (the **waste container storage place**);

*Examples of ways the local government may require waste containers to be kept at a particular place—*

- resolution of the local government
  - decision of a delegate of the local government
  - written notice given to the occupier
  - written notice published on the local government’s website
  - development approval for the premises
- (b) if a subordinate local law requires the waste container to be kept at a particular place at the premises—at the place (also a **waste container storage place**); or
- (c) if paragraphs (a) and (b) do not apply—at ground level close to the rear alignment of a building at the premises (also a **waste container storage place**).

Maximum penalty—

- (a) for first offence—10 penalty units.
- (b) for second offence—30 penalty units.
- (c) for third offence and further offences thereafter—50 penalty units.
- (2) The occupier of serviced premises may place a waste container in a place (the **other place**) outside the waste container storage place for the collection of general waste from the waste container, if—

*Example of the other place outside the waste container storage place—*

The kerb adjacent to the serviced premises

- (a) the local government has arranged to collect general waste from the waste container at the other place; and

*Example of how a local government may arrange to collect the general waste from the waste container at the other place—*

By notice under section 11(2)(b) (Local government may give notice about removal of general waste)

- (b) before the scheduled collection day, the container is in the other place—



- (i) not before the time, if any, specified in a subordinate local law or for no longer than the period, if any, specified in a subordinate local law; or
  - (ii) if subsection (2)(b)(i) does not apply—for no longer than a reasonably appropriate time before the scheduled collection day; and
- (c) after the scheduled collection day, the container is in the other place—
  - (i) not after the time, if any, specified in a subordinate local law or for no longer than the period, if any, specified in a subordinate local law; or
  - (ii) if subsection (2)(c)(i) does not apply—for no longer than a reasonably appropriate time after the scheduled collection day.
- (3) To remove any doubt, it is declared that—
  - (a) a subordinate local law mentioned in subsection (2)(b)(i) and 2(c)(i) may specify a total period before and after a scheduled collection day a waste container may be in the other place; and
  - (b) if a total period is specified, subsection 2(b)(ii) and 2(c)(ii) do not apply.
- (4) If the local government has arranged for the collection of general waste from a waste container at serviced premises, the occupier of the premises must ensure there is unobstructed access to the container for removal of the waste.  
  
Maximum penalty for subsection (4)—20 penalty units.
- (5) It is a defence in the proceeding against a person for an offence under subsection (4) for the person to prove the contravention was due to causes over which the person had no control.
- (6) In this section—  
  
a *scheduled collection day* commences at the beginning of the day and ends at midnight.

## 10 Other requirements for storing general waste at particular serviced premises

- (1) This section applies to any of the following persons (each a *prescribed person*) for serviced premises, other than a single detached dwelling—
  - (a) the owner or occupier of the premises;
  - (b) the registered suitable operator for a prescribed ERA carried out at the premises; or
  - (c) the holder of an environmental authority for a mining activity or petroleum activity carried out at the premises.

- (2) The prescribed person must ensure the waste container storage place is supplied with—
- (a) if required by the local government, one or more of the following—
- (i) either—
- (A) an elevated stand at a level required by the local government for holding all waste containers; or
- (B) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;
- (ii) a hose cock and hose in the vicinity of the stand or paved area; and
- (iii) a suitable enclosure for the area where the waste containers are kept; and

*Examples of ways the local government may require a prescribed person to comply with subsection (2)(a)—*

- resolution of the local government
  - decision of a delegate of the local government
  - written notice given to the prescribed person
  - written notice published on the local government’s website
  - development approval for the premises
- (b) if a requirement is prescribed by subordinate local law—facilities and structures for the placement, storage and cleaning of waste containers as prescribed by subordinate local law.

Maximum penalty for subsection (2)—20 penalty units.

## **Subdivision 2 Removal of general waste**

### **11 Local government may give notice about removal of general waste**

- (1) This section applies where the local government has arranged for the removal of general waste produced at a relevant premises.
- (2) The local government may give the occupier of the relevant premises a written notice stating one or more of the following—
- (a) the days (each a *scheduled collection day*) on which the waste is to be collected;

- (b) the location (the *designated location*) where the waste container is to be placed for collection of the waste; and
- (c) the time by which the waste container is to be placed in the designated location for collection of the waste.

*Examples of ways the local government may give written notice to the occupier of relevant premises under subsection (2)—*

- by publishing the written notice on the local government’s website
- by placing a written notice in the mailbox at the premises

**12 Depositing or disposal of general waste from premises other than serviced premises**

- (1) This section applies if general waste is produced at a relevant premises, other than serviced premises.
- (2) The local government may—
  - (a) give a written approval to the owner or occupier of the relevant premises for depositing or disposing of the waste; and
  - (b) impose conditions on the approval, including, for example, conditions about—
    - (i) the place for depositing or disposing of the waste; or
    - (ii) the method of depositing or disposing of the waste.
- (3) A person must not deposit or dispose of the waste unless the person deposits or disposes of the waste—
  - (a) at a waste facility in accordance with part 3; or
  - (b) in accordance with—
    - (i) an approval under subsection (2) for depositing or disposing of the waste; and
    - (ii) if the approval has been given on conditions—the conditions of the approval.

Maximum penalty for subsection (3)—20 penalty units.

## Division 3      Storage and treatment of industrial waste

### 13      Requirements for storing industrial waste

- (1)      The occupier of relevant premises where there is industrial waste must—
- (a)      if required by the local government, do one or more of the following—
- (i)      supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing a nuisance;
- (ii)     store the industrial waste in the way required by the local government;
- (iii)    keep the waste containers at the particular place at the premises required by the local government; and
- (iv)    keep each waste container clean and in good repair; and

*Examples of ways the local government may require compliance with subsection (1)(a)—*

- resolution of the local government
  - decision of a delegate of the local government
  - written notice given to the occupier
  - written notice published on the local government's website
  - development approval for the premises
- (b)      if a requirement is prescribed by subordinate local law, comply with each requirement prescribed by subordinate local law, about one or more of the following—
- (i)      the supply at the premises of industrial waste containers for storing the waste at the premises;
- (ii)     storing the industrial waste in a particular way;
- (iii)    keeping the waste containers at a particular place at the premises; and
- (iv)    keeping each waste container clean and in good repair.

Maximum penalty—20 penalty units.

- (2)      The local government may supply industrial waste containers at the relevant premises if the occupier does not supply at the premises the number of industrial waste containers which are—

- (a) required by the local government under subsection (1)(a); or
  - (b) prescribed by subordinate local law under subsection (1)(b).
- (3) If the local government supplies an industrial waste container to relevant premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.

#### **14 Requirement to treat industrial waste for disposal**

The occupier of relevant premises where there is industrial waste must—

- (a) if required by the local government, treat the waste to a standard approved by the local government—
    - (i) for disposal of the waste at a waste facility; or
    - (ii) for transport to, and disposal of the waste at, a waste facility; and
- Examples of ways the local government may require an occupier to treat industrial waste for disposal—*
- resolution of the local government
  - decision of a delegate of the local government
  - written notice given to the occupier
  - written notice published on the local government’s website
  - development approval for the premises
- (b) if a requirement is prescribed by subordinate local law, comply with each requirement, prescribed by subordinate local law, about the treatment of industrial waste—
    - (i) for disposal of the waste at a waste facility; and
    - (ii) for transport to, and disposal of the waste at, a waste facility.

Maximum penalty—40 penalty units.

### **Division 4 Storage of green waste**

#### **15 Requirements for storing green waste**

- (1) The occupier of relevant premises where there is green waste must—
  - (a) if required by the local government, do one or more of the following—

- (i) supply at the premises the number of waste containers required by the local government for storing the green waste at the premises safely, efficiently and without causing a nuisance;
- (ii) store the green waste in the way required by the local government;
- (iii) keep the waste containers at the particular place at the premises required by the local government; and
- (iv) keep each waste container clean and in good repair; and

*Examples of ways the local government may require compliance with subsection (1)(a)—*

- resolution of the local government
  - decision of a delegate of the local government
  - written notice given to the occupier
  - written notice published on the local government’s website
  - development approval for the premises
- (b) if a requirement is prescribed by subordinate local law—comply with each requirement prescribed by subordinate local law, about one or more of the following—
    - (i) the supply at the premises of waste containers for storing the green waste at the premises;
    - (ii) storing the green waste in a particular way;
    - (iii) keeping the waste containers at a particular place at the premises; and
    - (iv) keeping each waste container clean and in good repair.

Maximum penalty—20 penalty units.

- (2) The local government may supply waste containers for storing the green waste at the relevant premises if the occupier does not supply at the premises the number of waste containers which are—
  - (a) required by the local government under subsection (1)(a); or
  - (b) prescribed by subordinate local law under subsection (1)(b).
- (3) If the local government supplies a waste container for storing the green waste to relevant premises under subsection (2), the reasonable cost of supplying the

container is a debt payable by the occupier of the premises to the local government.

- (4) However, subsection (3) does not prevent the local government from supplying a waste container for storing green waste to relevant premises without cost to the owner or occupier of the relevant premises.

## **Part 3 Waste receipt and disposal**

### **16 Unlawful disposal of waste at waste facility**

- (1) A person must not deposit one or more of the following waste at a waste facility—
- (a) liquid or semiliquid waste;
  - (b) hot ash;
  - (c) material that is smouldering or aflame;
  - (d) material that can spontaneously combust;
  - (e) material containing a substance that may be harmful to persons or property because it may produce toxic gases or become corrosive or explosive, including, for example, if it reacts with air or water;
  - (f) an explosive;
  - (g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction; or
  - (h) waste prescribed by subordinate local law.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to waste deposited with the consent of—
- (a) the person who—
    - (i) is the registered suitable operator for the facility; or
    - (ii) holds an environmental authority for the facility; or
  - (b) the person in charge of the facility.

### **17 Restrictions on burning waste at waste facility**

A person must not set fire to, or burn, waste at a waste facility other than—

- (a) under an environmental authority;
- (b) under a development condition of a development approval; or
- (c) under the *Fire and Emergency Services Act 1990*.

Maximum penalty—20 penalty units.

**18 Restrictions on use of waste facility**

- (1) A person must not, without the consent of an authorised person—
  - (a) enter a waste facility other than to deposit waste;
  - (b) remain on a waste facility after depositing waste; or
  - (c) interfere with waste at, or remove waste from, a waste facility.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply to—
  - (a) the facility's owner or operator;
  - (b) an authorised person; or
  - (c) a person who acquires waste from a waste facility, with the consent of a waste facility's owner or operator; or

*Examples of waste a person may acquire from a waste facility with the consent of a waste facility's owner or operator—*

- recyclable waste, mulch or green waste
  - 1 or more items of waste which are made available for sale or disposal by the local government, for example, at a "tip shop"
  - sewage, septic, grease trap or oily water
- (d) uses prescribed by subordinate local law.

**19 Person to comply with directions and give information**

- (1) This section applies to a person who transports waste to a waste facility.
- (2) The person must—
  - (a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by an authorised person;
  - (b) deal with the waste in accordance with reasonable instructions given by an authorised person;



- (c) if asked by an authorised person—give information to the authorised person about the type and amount of waste being delivered to the facility; and
- (d) if asked by an authorised person—give information to the authorised person that provides satisfactory evidence of the identity and residential address of the person.

Maximum penalty—10 penalty units.

## Part 4                      Enforcement

### 20            Compliance notice

- (1) The local government may give a notice (a *compliance notice*) to one or more of the following—
  - (a) a person who contravenes this local law;
  - (b) a person who contravenes a subordinate local law made pursuant to this local law;
  - (c) any person involved in the contravention of this local law pursuant to section 26 (Liability of third parties); and
  - (d) the owner or occupier, or both, of the relevant premises or serviced premises on which a contravention of this local law has occurred.
- (2) A compliance notice may require the person to whom it is given to do one or more of the following—
  - (a) stop the contravention, if the contravention is of a continuing or recurrent nature;
  - (b) if circumstances are such that make it likely the contravention will continue or be repeated—not contravene this local law;
  - (c) perform work or otherwise take specified action to remedy the contravention for or within a time specified in the compliance notice, regardless of whether the contravention is of a continuing or recurrent nature;
  - (d) perform work or otherwise take specified action for or within a time specified in the compliance notice to prevent—
    - (i) harm to human health or safety or personal injury;
    - (ii) property damage or a loss of amenity; or

- (iii) environmental harm or environmental nuisance; and
  - (e) perform work or otherwise take specified action for or within a time specified in the compliance notice to ensure compliance with this local law.
- (3) A person to whom the compliance notice is given must comply with the compliance notice.

Maximum penalty for subsection (3)—50 penalty units.

## 21 Stop order

- (1) The local government may by notice to a person contravening this local law (a *stop order*) require the person to cease the contravention within the time allowed in the notice where—
- (a) a compliance notice issued to the person is not complied with within the time specified for compliance in the notice; or
  - (b) the contravention is in an authorised person’s opinion likely to result in—
    - (i) harm to human health or safety or personal injury;
    - (ii) property damage or loss of amenity; or
    - (iii) environmental harm or environmental nuisance.
- (2) For the avoidance of doubt, a stop order may require a person to immediately cease the contravention.
- (3) Subject to subsection (4), the person to whom a stop order is given must comply with the notice.

Maximum penalty for subsection (3)—200 penalty units.

- (4) The stop order ceases where the person to whom a stop order is given has complied with to the satisfaction of the authorised person—
- (a) the requirements of this local law;
  - (b) the requirements of any relevant compliance notice; and
  - (c) the requirements of the stop order.
- (5) This section does not affect the local government’s powers under another law.

## 22 Inspection of relevant or serviced premises

- (1) An authorised person may, subject to chapter 5, part 2 of the *Local Government Act 2009*, inspect any relevant or serviced premises (including any waste container, vehicle, equipment, animal, plant or other thing on the premises) to establish whether there is compliance with—
  - (a) the requirements of this local law;
  - (b) the requirements of a compliance notice; and
  - (c) the requirements of a stop order.
- (2) An authorised person may, subject to chapter 5, part 2 of the *Local Government Act 2009*, direct the owner or occupier of relevant or serviced premises to produce for inspection one or more of the following—
  - (a) all licences or permits granted by the local government;
  - (b) any records that are required to be kept as specified in a subordinate local law and may take copies or extracts from those records;
  - (c) any waste container, vehicle, equipment, animal, plant or thing used on the premises; and
  - (d) any inspection, monitoring or management program required to be kept as a condition of the licence or as specified in a subordinate local law.
- (3) An authorised person may, subject to chapter 5, part 2 of the *Local Government Act 2009*, measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected pursuant to section 22 (Inspection of relevant or serviced premises).
- (4) The owner or occupier of the premises must comply with—
  - (a) a direction of an authorised person pursuant to section 22(2) (Inspection of relevant or serviced premises); and
  - (b) the terms of a periodic inspection, monitoring or management program specified in a subordinate local law.

Maximum penalty for subsection (4)—50 penalty units.

## 23 Performance of work

- (1) This section applies where a person has failed to perform work or otherwise take specified action required to be performed by—
  - (a) a compliance notice;

- (b) a stop order; or
  - (c) a notice given under subsection (3).
- (2) A person who commits an offence under this local law must make good any damage caused directly or indirectly by the commission of the offence.
- (3) The local government may give a written notice to the person to make good any damage caused directly or indirectly by the commission of an offence against this local law.
- (4) A written notice given pursuant to subsection (3) must provide that the person to whom it is given has a reasonable time to take the action specified in the written notice.
- (5) A person to whom a written notice is given under subsection (3) must comply with the written notice.
- Maximum penalty for subsection (5)—50 penalty units.
- (6) The local government may perform work where a person has failed to perform work required to be performed by<sup>1</sup>—
- (a) section 23(3) (Performance of work);
  - (b) a compliance notice or stop order issued under this local law; or
  - (c) any other provision of this local law.
- (7) The local government may in the course of performing work remove from the premises any waste container, waste, structure, vehicle, equipment, animal or thing used in the commission of the offence where the local government is satisfied there is a risk of<sup>2</sup>—
- (a) harm to human health or safety or personal injury;
  - (b) property damage or a loss of amenity; or
  - (c) environmental harm or environmental nuisance.
- (8) The local government must dispose of any material of any nature removed by it pursuant to section 23(7) (Performance of work) in accordance with the provisions for the disposal of confiscated goods under *Local Law No. 2 (Administration) 2010*.

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<sup>1</sup> The exercise of this power is subject to chapter 5, part 2, division 2 of the *Local Government Act 2009*.

<sup>2</sup> The exercise of this power is subject to chapter 5, part 2, division 2 of the *Local Government Act 2009*.

- (9) An authorised person may perform the work that the local government is empowered to undertake pursuant to section 23 (Performance of work).
- (10) The Court may order a person found guilty of an offence under this local law to do one or more of the following—
  - (a) perform work required to be performed by—
    - (i) section 23 (Performance of work);
    - (ii) a compliance notice or a stop order issued under this local law; and
    - (iii) a provision of this local law; and
  - (b) pay to the local government all costs incurred by the local government in performing the work pursuant to section 23 (Performance of work).

## **24 Power of entry and cost recovery**

- (1) If the work to be carried out by the local government under section 23 (Performance of work) is on land of which the local government is not the owner or occupier, the local government may enter the land to perform the work<sup>3</sup>—
  - (a) if the person who has failed to perform the work is the owner or occupier of the land; or
  - (b) if the entry is necessary for the exercise of the local government's jurisdiction.
- (2) If the person who failed to perform the work is the owner of the land, the amount properly and reasonably incurred by the local government to perform the work is recoverable (together with any interest) under chapter 5, part 2, division 2 of the *Local Government Act 2009*.
- (3) If the person who failed to perform the work is not the owner of the land, the amount properly and reasonably incurred by the local government is recoverable as a debt from the person in default together with interest on the same basis as applies to an owner of the land under chapter 5, part 2, division 2 of the *Local Government Act 2009*.

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<sup>3</sup> See the powers contained in chapter 5, part 2, division 1 of the *Local Government Act 2009*.

## **Part 5                    Administrative provisions**

### **25        Attempts to commit offences**

- (1)        A person who attempts to commit an offence against this local law commits an offence.

Maximum penalty—half the maximum penalty for committing the offence.

- (2)        The provisions of the *Criminal Code* relevant to attempts to commit an offence apply to the attempt.

### **26        Liability of third parties**

- (1)        Any person involved in a contravention of this local law commits an offence.

Maximum penalty—the penalty for which any person who committed the contravention would be liable.

- (2)        For the purposes of subsection (1), a person involved in a contravention of this local law is any person who—

- (a)        has aided, abetted, counselled or procured the contravention;
- (b)        has induced, whether by threats or promises or otherwise, the contravention;
- (c)        has been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention;
- (d)        has conspired with others to effect the contravention; or
- (e)        has knowingly benefited from or knowingly was capable of benefiting from the contravention.

### **27        Executive officers must ensure the corporation complies with this local law**

- (1)        The executive officers of a corporation must ensure the corporation complies with this local law.

- (2)        If a corporation commits an offence against a provision of this local law, each of the corporation's executive officers also commit an offence, namely, the offence of failing to ensure that the corporation complies with the provision.

Maximum penalty—the penalty for the contravention of the provision by an individual.

- (3)        Evidence that the corporation has been convicted of an offence against a provision of this local law is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complied with the provision.

- (4) However, it is a defence for an executive officer to prove—
- (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence—the officer exercised reasonable diligence to ensure the corporation complied with the provision; or
  - (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.
- (5) This section applies so as not to limit or affect in any way the liability of a corporation to be proceeded against and punished for an offence committed by the corporation in contravention of this local law.

## **28 Owners and occupiers must ensure compliance with this local law**

- (1) The owner and occupier of relevant premises or serviced premises must ensure that an offence against a provision of this local law is not committed on the premises.
- (2) If an offence against a provision of this local law is committed on the premises, the owner and occupier of the premises also commit an offence.
- Maximum penalty for subsection (2)—the penalty for the commission of the offence on the premises.
- (3) Evidence that an offence against a provision of this local law has been committed on the premises is evidence that the owner and occupier of the premises committed the offence.
- (4) However, it is a defence for an owner or occupier to prove that—
- (a) the owner or occupier exercised reasonable diligence to ensure that an offence was not committed on the premises; or
  - (b) the offence was committed on the premises without that person's knowledge or consent.

## **Part 6 Subordinate local laws**

### **29 Subordinate local laws**

- (1) The local government may, by subordinate local law, specify—
- (a) a thing that is specified to be waste pursuant to the Schedule (Dictionary) of this local law;
  - (b) requirements about the necessity to supply standard general waste containers at premises under section 7(1)(a)(ii) (Owner or occupier of relevant premises to supply waste containers);

- (c) requirements about the supply at premises of waste containers, other than standard general waste containers, to contain the general waste produced at the premises under section 7(1)(b)(ii) (Owner or occupier of relevant premises to supply waste containers);
- (d) another type of waste container for the storage of general waste under section 8(1)(a)(ii) (Requirements for storing general waste in waste containers);
- (e) a thing that a person must not place in a waste container under section 8(2)(a)(iv) (Requirements for storing general waste in waste containers);
- (f) requirements about the keeping of the waste container supplied for premises at a particular place at the premises under section 9(1)(b) (General requirements for keeping waste containers at serviced premises);
- (g) the time or period under section 9(2)(b)(i) (General requirements for keeping waste containers at serviced premises);
- (h) the time or period under section 9(2)(c)(i) (General requirements for keeping waste containers at serviced premises);
- (i) requirements about the supply of facilities and structures for the placement, storage and cleaning of waste containers under section 10(2)(b) (Other requirements for storing general waste at particular serviced premises);
- (j) requirements about the supply at premises of industrial waste containers for storing industrial waste at the premises and other requirements under section 13(1)(b) (Requirements for storing industrial waste);
- (k) requirements about the treatment of industrial waste under section 14(b) (Requirement to treat industrial waste for disposal);
- (l) requirements about the supply at premises of waste containers for storing green waste at the premises and other requirements under section 15(1)(b) (Requirements for storing green waste);
- (m) waste that a person must not deposit at a waste facility under section 16(1)(h) (Unlawful disposal of waste at waste facility);
- (n) uses of a waste facility under section 18(2)(d) (Restrictions on use of waste facility);
- (o) the terms of a periodic inspection, monitoring or management program under section 22(4)(b) (Inspection of relevant or serviced premises); and
- (p) such other matters as are provided for in this local law.



## Part 7 Transitional provisions

### 30 Continuation of Chapter 5A requirements

- (1) Subject to subsection (2), if the local government has made a requirement under a prescribed provision prior to the commencement of this local law, the requirement applies for the provision of this local law which replaced the prescribed provision from the commencement of this local law.

*Example—*

The local government may require that a waste container supplied for serviced premises be kept at a particular place at the premises under *Environmental Protection Regulation 2008*, section 81ZH(1). *Environmental Protection Regulation 2008*, section 81ZH(1) is a prescribed provision which is replaced by section 9 (General requirements for keeping waste containers at serviced premises). A requirement under the prescribed provision made prior to the commencement of this local law would apply for section 9 of this local law from the commencement of this local law.

- (2) If a provision of this local law makes a requirement that is inconsistent with a requirement of a prescribed provision under subsection (1) then the requirement of this local law prevails.
- (3) In this section—

***prescribed provision*** means a provision of the *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments) which is replaced by a provision of this local law.

## Schedule Dictionary

section 3

**authorised person** has the meaning given in *Local Law No.2 (Administration) 2010*.

**commercial premises** means any of the following types of premises—

- (a) a hotel, motel, caravan park, café, food store or canteen;
- (b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;
- (c) premises where a sport or game is ordinarily played in public;
- (d) an exhibition ground, show ground or racecourse;
- (e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out;
- (f) a church, or other building, used as a place of worship, or for religious purposes.

**commercial waste** means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

**compliance notice** see section 20.

**designated location** see section 11(2).

**development approval** has the meaning given in the *Planning Act 2016*.

**development condition** has the meaning given in the *Planning Act 2016*.

**domestic clean-up waste** has the meaning given in the *Environmental Protection Regulation 2008*.

**domestic premises** means any of the following types of premises—

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units;
- (c) rooming accommodation, lodging house or guest house.

**domestic waste** means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

***environmental authority*** has the meaning given in the *Environmental Protection Act 1994*.

***environmental harm*** has the meaning given in the *Environmental Protection Act 1994*.

***environmental nuisance*** has the meaning given in the *Environmental Protection Act 1994*.

***general waste*** means—

- (a) waste other than regulated waste; and
- (b) for part 2, any of the following—
  - (i) commercial waste;
  - (ii) domestic waste;
  - (iii) recyclable waste.

***green waste*** means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

***industrial waste*** means—

- (a) interceptor waste; or
- (b) waste other than the following—
  - (i) commercial waste;
  - (ii) domestic clean-up waste;
  - (iii) domestic waste;
  - (iv) green waste;
  - (v) recyclable interceptor waste;
  - (vi) recyclable waste;
  - (vii) waste discharged to a sewer.

***industrial waste container*** means a container of a type approved by the local government for storing industrial waste at premises in the local government's area.

***interceptor*** means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

*Examples of interceptors—*

- *neutralising interceptors for neutralising acidic and alkaline substances*
- *grease interceptors for collecting and solidifying fat, grease and similar matter*
- *oil interceptors for collecting oil and petroleum products*
- *silt interceptors for collecting soil, sand, gravel and other sedimentary solids*

***interceptor waste*** means matter, other than recyclable interceptor waste, intercepted by, and held in, an interceptor.

***manufacturing process*** means a handicraft or other process relating to adapting, altering, assembling, cleaning, finishing, making, ornamenting, preparing, renovating, repairing, washing, or wrecking goods for trade, sale or gain or otherwise in connection with a business.

***mining activity*** has the meaning given in the *Environmental Protection Act 1994*.

***occupier***, of relevant premises or serviced premises, means the person who has the control or management of the premises.

***owner***, of relevant premises or serviced premises, means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

***other place*** see section 9(2).

***petroleum activity*** has the meaning given in the *Environmental Protection Act 1994*.

***prescribed ERA*** has the meaning given in the *Environmental Protection Act 1994*.

***prescribed person*** see section 10(1).

***recyclable interceptor waste*** means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.

***recyclable waste*** means clean and inoffensive waste that is declared by the local government to be recyclable waste for the area of the local government.

*Examples of waste that may be declared to be recyclable waste—*

- *glass bottles*
- *newspaper*
- *plastic containers*
- *paper*
- *cardboard*

- *steel and aluminium cans*
- *green waste*

**registered suitable operator** has the meaning given in the *Environmental Protection Act 1994*.

**regulated waste** has the meaning given in the *Environmental Protection Regulation 2008*.

**relevant premises** includes domestic premises, government premises, industrial premises and commercial premises.

**rooming accommodation** has the meaning given in the planning scheme of the local government.

**scheduled collection day** see section 11(2).

**serviced premises** see section 6.

**standard general waste container**—

- (a) means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government's area; and
- (b) for the avoidance of doubt, includes 1 or more containers each of which is approved by the local government for storing, at premises in the local government's area—
  - (i) 1 or more or multiple types of commercial waste; or
  - (ii) 1 or more or multiple types of recyclable waste.

*Example for paragraph (b)*—

The local government may approve 1 container for storing recyclable waste which is green waste and 1 container for storing recyclable waste other than green waste.

**stop order** see section 21.

**waste** has the meaning given in the *Environmental Protection Act 1994*, and includes any thing that is specified to be waste under a subordinate local law.

**waste container storage place** see section 9(1).

**waste facility** means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste.

## Endnotes

## 1 Index to Endnotes

- 2 Date to which amendments incorporated
- 3 Key
- 4 Table of reprints
- 5 List of legislation
- 6 List of annotations

## 2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the 18 May 2018.

## 3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation
<b>amd</b>	= amended
<b>ch</b>	= chapter
<b>def</b>	= definition
<b>div</b>	= division
<b>hdg</b>	= heading
<b>ins</b>	= inserted
<b>om</b>	= omitted
<b>p</b>	= page
<b>pt</b>	= part
<b>renum</b>	= renumbered
<b>rep</b>	= repealed
<b>s</b>	= section
<b>sch</b>	= schedule
<b>sdiv</b>	= subdivision

## 4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this local law

Reprint No.	Amendments included	Reprint date

## 5 List of legislation

### Original Local Law

Local Law No. 8 (Waste Management) 2018  
date of gazettal 18 May 2018

### Amending Local Laws

## 6 List of annotations