

SOUTH AUSTRALIA

WASTE MANAGEMENT REGULATIONS, 1988

REGULATIONS UNDER THE WASTE MANAGEMENT ACT, 1987

Waste Management Regulations, 1988

being

No. 125 of 1988: *Gaz.* 30 June 1988, p. 2105¹

as varied by

No. 57 of 1990: *Gaz.* 10 May 1990, p. 1297²

No. 87 of 1990: *Gaz.* 14 June 1990, p. 1615³

No. 216 of 1990: *Gaz.* 1 November 1990, p. 1397⁴

No. 68 of 1991: *Gaz.* 6 June 1991, p. 1820⁵

No. 52 of 1992: *Gaz.* 21 May 1992, p. 1472

No. 73 of 1993: *Gaz.* 29 April 1993, p. 1524⁶

No. 241 of 1993: *Gaz.* 27 October 1993, p. 1947⁷

No. 54 of 1994: *Gaz.* 2 June 1994, p. 1584⁸

¹ Came into operation (except reg. 11(2)) 1 July 1988; reg. 11(2) came into operation 1 October 1988; reg. 3.

² Came into operation 30 June 1990: reg. 2.

³ Came into operation 1 July 1990: reg. 2.

⁴ Came into operation 1 November 1990: reg. 2.

⁵ Came into operation 1 July 1991: reg. 2.

⁶ Came into operation 1 July 1993: reg. 2.

⁷ Came into operation 1 March 1994: reg. 2.

⁸ Came into operation 1 July 1994: reg. 2.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

2.

Citation

1. These regulations may be cited as the *Waste Management Regulations, 1988*.

Revocation

2. All regulations previously made under the *South Australian Waste Management Commission Act, 1979*, are revoked.

Commencement

3. (1) Subject to subregulation (2), these regulations will come into operation on 1 July, 1988.

(2) Regulation 11(2) will come into operation on 1 October, 1988.

Interpretation

4. In these regulations—

"the Act" means the *Waste Management Act, 1987*:

"medical practice" includes the practice of pathology:

"medical waste" means waste consisting of—

- (a) a needle, syringe with needle, surgical instrument or other article that is discarded in the course of medical, dental or veterinary practice or research and has a sharp edge or point capable of inflicting a penetrating injury on a person who comes into contact with it;
 - (b) human tissue, bone, organ, body part or foetus;
 - (c) a vessel, bag or tube containing a liquid body substance;
 - (d) an animal carcass discarded in the course of veterinary research or medical practice or research;
 - (e) a specimen or culture discarded in the course of medical, dental or veterinary practice or research and any material that has come into contact with such a specimen or culture;
- or
- (f) any other article or matter that is discarded in the course of medical, dental or veterinary practice or research and that poses a significant risk to the health of a person who comes into contact with it.

Fees

5. (1) Subject to this regulation, the fees payable to the Commission under the Act are those set out in schedule 1.

(2) Where a licence to operate a waste depot is issued for a term of less than one year, the fee payable to the Commission is a proportion of the annual licence fee, being the proportion that the number of whole months in the term of the licence bears to 12.

3.

(3) Where a council holds licences to operate more than four waste depots, no annual licence fee is payable in respect of those further depots.

(4) Where the Commission endorses a licence under regulation 9 other than on a day on which an annual licence fee is payable, the licensee must pay to the Commission a proportion of the prescribed vehicle fee, being the proportion that the number of whole months before the day on which the next annual licence fee is payable bears to 12.

Licence to produce prescribed waste

6. For the purposes of section 22 of the Act, waste consisting of, or containing, any substance or matter specified in schedule 2 is waste the production of which requires a licence under that section, unless the waste is produced—

(a) in the course of a business that consists only of storing or distributing goods;

or

(b) in the course of any of the following activities:

- (i) building work;
- (ii) carpentry or joinery;
- (iii) retail pharmacy;
- (iv) film processing;
- (v) dental practice, other than at a hospital;
- (vi) plumbing or gas fitting;
- (vii) dry cleaning;
- (viii) primary or secondary school education;
- (ix) agriculture or horticulture;
- (x) french polishing;
- (xi) manufacturing jewellery;
- (xii) medical practice, other than—
 - (A) the practice of pathology;
 - (B) any medical practice at a hospital;
- (xiii) painting or decorating;
- (xiv) panel beating and associated spray painting;

4.

- (xv) operating a nursing home;
- (xvi) veterinary practice;
- (xvii) operating a hospital with a capacity of less than 40 beds;
- (xviii) operating any other hospital, if the waste is destroyed by incineration on the premises of the hospital in compliance with the *Clean Air Act, 1984*;
- (xix) nursing practice, other than at a hospital.

Mass or volume of waste received at depots

7. (1) The purpose of this regulation is to enable the fee payable under section 19 of the Act in respect of waste received at a waste depot to be determined.

(2) This regulation applies only in relation to waste that is received at a waste depot for disposal at that depot.

(3) Subject to regulation 8, a person licensed to operate a waste depot must, as soon as practicable after the last day of each month, furnish to the Commission a return showing—

(a) in respect of solid waste—

- (i) the total mass (in tonnes) of waste received at the depot during each day of that month and the total received during the whole of that month;

and

- (ii) where that mass is determined in accordance with subregulation (6)(b), the classes of vehicles, and the number of vehicles in each class, on or in which waste was delivered to the depot during each day of that month and during the whole of that month;

(b) in respect of liquid waste—the total volume (in kilolitres) of waste received at the depot during each day of that month and the total received during the whole of that month.

Penalty: \$500.

(4) For the purposes of a return under this regulation, the mass or volume of waste received at a depot must be determined in accordance with this regulation.

(5) The mass or volume of waste received at a waste depot must be calculated as the aggregate of the mass or volume (to the nearest 0.01 tonne or kilolitre) of waste delivered on or in each vehicle to the depot.

(6) The mass of solid waste delivered on or in a vehicle—

- (a) may be measured by use of a weighbridge installed at the depot and approved in writing by the Commission;

5.

or

(b) if the mass is not so measured, may be taken to be the average net mass of waste for that class of vehicle as set out in schedule 3.

(7) The volume of liquid waste delivered on or in a vehicle—

(a) may be determined by use of a dip-stick precalibrated for the liquid waste container on the vehicle;

(b) may be measured by means of a volume measuring device, installed at the depot, the calibration of which has been approved in writing by the Commission;

(c) may be calculated—

(i) by measuring the net mass of the liquid waste by use of a weighbridge installed at the depot and approved in writing by the Commission;

and

(ii) by dividing that measurement by the predetermined mass per kilolitre of the particular liquid waste;

(d) may be taken to be that certified, in a cartnote signed by both the producer and transporter of the waste, to be the volume of liquid waste to be delivered on or in the vehicle to the depot;

or

(e) where a liquid waste container on the vehicle is full—

(i) may be calculated from the dimensions of the container;

or

(ii) if the capacity of the container has been predetermined by a volume calibration method approved in writing by the Commission and has been marked on the container, may be taken to be that capacity.

Special provision for certain councils

8. (1) This regulation applies to councils other than those constituted in relation to the areas specified in schedule 4.

(2) For the purpose of determining the fee payable by a council under section 19 of the Act in respect of solid waste received at all depots operated by the council, the council may elect, by written notice to the Commission—

6.

(a) not to comply with regulation 7 in respect of solid waste received at those depots;

but

(b) to take the mass of solid waste received during each month at those depots to be the mass determined in accordance with the following formula:

$$M = \frac{P \times 0.4}{12}$$

Where—

M is the mass of solid waste in tonnes

and

P is the population of the area of the council as at the previous 1 July as given by the Australian Bureau of Statistics in its publication "Estimated Resident Population in Local Government Areas in South Australia" (Catalogue No. 3201.4).

(3) Where a council makes an election under this regulation, regulation 7 does not apply in respect of solid waste received at any depot operated by that council.

Operation of waste depots—liquid waste

8a. (1) Liquid waste received at a waste depot operated by the holder of a licence under the Act must not be placed into, or allowed to enter or form, a pond or lagoon (whether natural or artificial) where it would be subject to evaporation or percolation into the earth.

(2) If liquid waste is placed into, or allowed to enter or form, a pond or lagoon in contravention of subregulation (1), the licensee is guilty of an offence.

Penalty: \$2 000.

(3) Subregulation (1) does not prevent liquid waste received at a waste depot operated by the holder of a licence under the Act from being placed in a container pending its treatment and disposal in accordance with the conditions of that licence.

(4) A person licensed to operate a waste depot at which liquid waste may be accepted must take reasonable steps to ensure that such waste does not come into direct contact with the earth.

Penalty: \$2 000.

Endorsement of licence to collect or transport waste

9. On the application of the holder of a licence to collect or transport waste, the Commission may endorse the licence for the purpose of specifying a further vehicle that may be used pursuant to the licence.

Prescribed date for paying licence fee and lodging return

10. For the purposes of section 25(2) of the Act, the day in each year by which a licensee must pay the annual licence fee and lodge an annual return is the last day of the month that is the anniversary of the month in which the licence was granted.

Offences

11. (1) A person who is licensed to collect or transport waste for fee or reward must display a licence identification label issued by the Commission in a position approved by the Commission on each vehicle used pursuant to the licence.

Penalty: \$500.

(2) A person who is licensed to collect or transport waste must display, in a form approved by the Commission, the class number of a vehicle used pursuant to the licence (being the number set out in schedule 3)—

(a) on the vehicle in a position approved by the Commission;

or

(b) where the vehicle is used in conjunction with a detachable waste container, in a position approved by the Commission on each container.

Penalty: \$500.

(3) A person who transports waste on or in a vehicle must take reasonable steps to cover, contain or secure the waste so as to ensure that it remains on or in the vehicle throughout the course of transportation.

Penalty: \$500.

Medical waste

11a. (1) Medical waste produced in the course of a prescribed activity must, as soon as reasonably practicable after its production, be placed into a prescribed container and—

(a) collected for disposal by a person who is licensed under the Act to collect and transport medical waste;

or

(b) transported, by a person employed or engaged in the business, directly to a waste depot at which medical waste may be accepted pursuant to a licence or an exemption under the Act.

(2) If medical waste produced in the course of a business that is constituted of or includes a prescribed activity is not placed into a container and collected or transported in accordance with this regulation, the person who carries on that business is guilty of an offence.

Penalty: \$500.

8.

(3) It is a defence to a charge of an offence against this regulation if it is proved that the defendant could not by the exercise of reasonable diligence have prevented the commission of the offence.

(4) In this regulation—

"prescribed activity" means—

- (a) dental practice, other than at a hospital;
- (b) medical practice, other than—
 - (i) the practice of pathology;
 - (ii) medical practice at a hospital;
- (c) nursing practice, other than at a hospital;
- (d) operating a nursing home;
- (e) veterinary practice;
- (f) operating a hospital with a capacity of less than 40 beds:

"prescribed container" means a container—

- (a) that is impervious to moisture and leak-proof;
- (b) that is unlikely to rip, tear or burst under normal conditions of handling;
- (c) on which is displayed a label that complies with the requirements for a class 6.2 label set out in the *Australian Code for the Transport of Dangerous Goods by Road and Rail* published in the *Commonwealth of Australia Gazette* No. P15, 7 April, 1987;

and

- (d) that, in the case of a container for waste consisting of a needle, syringe with needle, surgical instrument or other article with a sharp point or edge capable of inflicting a penetrating injury on a person who comes into contact with it, is puncture resistant and shatter-proof.

Expiation of offences

12. For the purposes of section 43 of the Act, an offence against regulation 11 or 11a is an offence that may be expiated.

SCHEDULE 1*Fees**(regulation 5)*

\$

s. 19—contribution by licensees**1. Contribution for waste received at a depot—***(a)* per tonne of solid waste—

- (i)* in the case of a depot within a council area specified in schedule 4 2.07
- (ii)* in any other case 1.07

(b) per kilolitre of liquid waste 6.50**s. 25—annual licence fees****2. For a licence—***(a)* to operate a waste depot (per annum) 76.30*(b)* to collect or transport waste—

- (i)* basic fee (per annum) 27.50

plus

- (ii)* vehicle fee (per vehicle specified in the licence—per annum) 37.70

(c) to produce prescribed waste (per annum) 27.50**s. 25(3)—default penalty****3. Default penalty for failure to pay annual licence fee or lodge annual return 20.40****s. 35—exemptions****4. Application for exemption 20.40****s. 43—expiation of prescribed offences****5. Expiation fee 51.00****s. 47—register****6. Inspection of, and copy of extract from, register of licences 5.10**

10.

SCHEDULE 2

Prescribed Waste

(regulation 6)

Acids and acidic solutions

Adhesives (excluding solid inert polymeric materials)

Alkali metals and alkaline earth metals

Alkalis and alkaline solutions

Antimony and antimony compounds and solutions

Arsenic and arsenic compounds and solutions

Asbestos

Barium compounds and solutions

Beryllium and beryllium compounds

Boron and boron compounds

Cadmium and cadmium compounds and solutions

Calcium carbide

Carbon disulphide

Carcinogens, teratogens and mutagens

Chlorates

Chromium compounds and solutions

Copper compounds and solutions

Cyanides or cyanide solutions and cyanide complexes

Cytotoxic wastes

Dangerous substances within the meaning of the *Dangerous Substances Act, 1979*

Distillation residues

Fluoride compounds

Halogens

Heterocyclic organic compounds containing oxygen, nitrogen or sulphur

Hydrocarbons and their oxygen, nitrogen and sulphur compounds (excluding oils)

* * * * *

Isocyanate compounds (excluding solid inert polymeric materials)

Laboratory chemicals

Lead compounds and solutions

Lime sludges or slurries

Manganese compounds

Medical waste

Mercaptans

Mercury compounds and equipment containing mercury

Metal finishing effluent and residues

Nickel compounds and solutions

Nitrates

Oil refinery waste

Organic halogen compounds (excluding solid inert polymeric materials)

Organic phosphates

Organic solvents

Organometallic residues

Oxidizing agents

Paint sludges and residues

Perchlorates

Peroxides

Pesticides (including herbicides and fungicides)

Pharmaceutical wastes and residues

Phenolic compounds (excluding solid inert polymeric materials)

Phosphorus and its compounds

Polychlorinated biphenyls

Poisons within the meaning of the *Drugs Act, 1908*

Reactive chemicals

Reducing agents

Selenium and selenium compounds and solutions

12.

Silver compounds and solutions

Solvent recovery residues

Sulphides and sulphide solutions

Surfactants

Thallium and thallium compounds and solutions

Timber preservative residues

Vanadium compounds

Zinc compounds and solutions

13.

SCHEDULE 3

Classes of vehicles and average net mass of waste for each class

(regulation 7)

Class Number	1	2	3	4	5	6	7
Class description	Cars and station wagons	Car type utilities, panel vans, and single box axle trailers	Large utilities, panel vans, multiple axle trailers	OPEN TRUCKS			
				SPECIFIED IN A LICENCE TO TRANSPORT WASTE—CONTAINER VOLUME—m ³			
				not more than 15	more than 15 but not more than 22	more than 22 but not more than 29	more than 29
Average net mass of solid waste per vehicle—tonnes	0.1	0.4	0.7	OTHER—GROSS MASS—TONNES			
				not more than 5	more than 5 but not more than 12	more than 12 but not more than 20	more than 20
				3.5	6.0	7.0	8.0

14.

Class Number	8	9	10	11	12	13
Class description	Single rear axle trucks and roll on/off static compactors of not more than 8m ³ capacity	Single rear axle trucks and roll on/off static compactors of more than 8m ³ but not more than 12m ³ capacity	Tandem rear axle trucks and roll on/off static compactors of more than 12m ³ but not more than 19m ³ capacity	Trucks with 3 or more axles and roll on/off static compactors of more than 19m ³ but not more than 32m ³ capacity	Trucks with 3 or more axles and roll on/off static compactors of more than 32m ³ but not more than 42m ³ capacity	Trucks with 3 or more axles and roll on/off static compactors of more than 42m ³ capacity
Average net mass of solid waste per vehicle—tonnes	4.0	5.0	8.5	7.5	8.0	11.0

SCHEDULE 4

Council areas
(regulation 8)

Adelaide
Brighton
Burnside
Campbelltown
East Torrens
Elizabeth
Enfield
Gawler
Glenelg
Happy Valley
Henley and Grange
Hindmarsh
Kensington and Norwood
Marion
Mitcham
Munno Para
Noarlunga
Payneham
Port Adelaide
Prospect
St Peters
Salisbury
Stirling
Tea Tree Gully
Thebarton
Unley
Walkerville
West Torrens
Willunga
Woodville

APPENDIX

LEGISLATIVE HISTORY

Regulation 4:	definition of "medical practice" inserted by 216, 1990, reg. 3 definition of "medical waste" inserted by 216, 1990, reg. 3
Regulation 6:	varied by 216, 1990, reg. 4
Regulation 8a:	inserted by 57, 1990, reg. 3
Regulation 11a:	inserted by 216, 1990, reg. 5
Regulation 12:	varied by 216, 1990, reg. 6
Schedule 1:	varied by 87, 1990, reg. 3; 68, 1991, reg. 3; 52, 1992, reg. 3; substituted by 73, 1993, reg. 3; varied by 241, 1993, reg. 3; substituted by 54, 1994, reg. 3
Schedule 2:	varied by 216, 1990, reg. 7(b)
Item commencing "Infectious waste"	revoked by 216, 1990, reg. 7(a)