



Government of **Western Australia**
Department of **Water and Environmental Regulation**

Mandatory use of weighbridges by landfill premises to calculate leviable waste

Consultation paper on proposed amendments to the *Waste Avoidance and Resource Recovery Levy Regulations 2008* to require the use of weighbridges for category 63, 64 and 65 landfill premises

Department of Water and Environmental Regulation

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Executive summary

The *Waste Avoidance and Resource Recovery Strategy 2030* (Waste Strategy) is a strategy for the improvement of waste services, waste avoidance and resource recovery for the next 10 years and beyond. The Waste Strategy sets targets for waste reduction, resource recovery and the diversion of waste from landfill and aims to facilitate Western Australia's transition to a low-waste society.

The Waste Strategy notes the importance of the waste levy in driving reduced waste generation and increasing resource recovery. Aside from its value as an economic lever to support the financial viability of actions that divert waste from landfill, the levy also generates funds for a range of environmental and waste reduction purposes.

The legislative framework which underpins implementation of Western Australia's waste levy includes the *Waste Avoidance and Resource Recovery Levy Act 2007* (WARR Levy Act), and the *Waste Avoidance and Resource Recovery Levy Regulations 2008* (WARR Levy Regulations).

The waste levy under the WARR Levy Regulations is prescribed in accordance with a formula based on waste volume (cubic metres) disposed to landfill for category 63 (inert) landfills and waste weight (tonnes) received for disposal to landfill for category 64 (putrescible) and 65 (secure) landfills. Subject to exemptions, the levy applies to all waste received at landfill premises in the metropolitan region and all waste collected within the metropolitan region and received at landfill premises outside the metropolitan region.

The Department of Water and Environmental Regulation has identified a number of significant issues with the current methods for calculating levyable waste. These issues relate to both volumetric survey, required under the WARR Levy Regulations for all inert (category 63) landfill premises in the metropolitan area, and the Chief Executive Officer's (CEO) '*approved manner for estimating waste volume or weight received at and disposed of to landfill*'.

Volumetric survey methods are highly complex, and are therefore difficult to verify and pose a risk that waste disposed of to landfill will be inaccurately calculated. In addition, material issues have been identified with estimation methods set out in the CEO approved manner. These relate to assumptions made under the 'vehicle type method' about exempt waste loads (e.g. all loads are assumed to be full loads) and the relative density of exempt waste, which cannot be accurately or consistently accounted for.

Analysis conducted by the Department suggests that the variation between waste levy calculation using the vehicle type method compared to the weighbridge method¹ is substantial, and places landfills using more accurate measurement methods at a competitive disadvantage. The discrepancy between methods may also create a disincentive to the use or installation of weighbridges at liable landfills.

¹ The weighbridge method requires exempt waste to be weighed on a weighbridge (with weights converted to volume for category 63 landfill premises).

Collectively, these issues are hampering the accurate measurement of waste disposed to landfill and the effectiveness and efficiency of the waste levy as an economic lever to make alternatives to landfill disposal more financially viable.

This consultation paper outlines options for amendments to the WARR Levy Regulations to require occupiers of landfill premises (category 63, 64 and 65 prescribed premises) subject to the levy to use weighbridges to ensure more consistent and accurate measurement of waste. The reform options considered in this consultation paper (section 5) are:

- Option 1: No change – the existing methods to calculate waste levy liability remain.
- Option 2: Liable landfill premises must install a weighbridge onsite with levy calculation based on tonnes.
- Option 3: Waste that is to be disposed of to landfill or received at liable landfill premises, must be weighed on a weighbridge with levy calculation based on tonnes.

In addition to proposed reforms, stakeholder input is sought on transitional arrangements to ensure that landfill premises subject to new measurement methods have sufficient time to meet those requirements. Modifications to record-keeping, site management and monitoring may be necessary as a result of new weighbridge requirements.

Consultation on the proposed reforms in this discussion paper build on previous consultation undertaken by the Department of Water and Environmental Regulation.

In August 2017, a discussion paper on *Waste levy and waste management: Proposed approaches for legislative reform* was released for a 12-week comment period. This paper canvassed a range of improvements to the waste levy regime including the use of weighbridges to improve the accuracy of waste measurement. A total of 37 submissions were received, including submissions from the Western Australian Local Government Association, the Waste and Recycling Industry Association of Western Australia and the Waste Management Association of Australia.

The period for submissions on this regulatory proposal will be 12 weeks. Feedback from this consultation process will inform the development of proposed amendments to the WARR Levy Regulations to introduce the requirement for liable landfill premises to use weighbridges.

Submissions on the proposed reform should be submitted to:
wastereform@dwer.wa.gov.au.

Submissions will close at **5 pm (WST) on 24 July 2019.**

These reforms complement the release of the Waste Strategy and support the goal of previous increases in the levy to improve its effectiveness as an economic lever to divert waste from landfill in Western Australia.

Purpose

This consultation paper outlines proposed amendments to the *Waste Avoidance Resource Recovery Levy Regulations 2008* (WARR Levy Regulations) to require occupiers of landfill premises (category 63, 64 and 65 prescribed premises) subject to the levy, to use weighbridges.

The paper sets out issues arising from current waste estimation methods and outlines options for reform to improve the accuracy of waste measurement and achieve the objectives of the Waste Strategy.

Part 1 of the paper presents the legislative context for the waste levy.

Part 2 of the paper describes the current methods for estimating waste and calculating levy liability.

Part 3 outlines the problem with the current estimation methods.

Part 4 provides a summary of approaches in other Australian jurisdictions.

Part 5 presents options for the use of weighbridges at liable landfill premises.

Note that other waste reform options contained in the *Waste levy and waste management: Proposed approaches for legislative reform* paper will be subject to separate consultation. This includes proposed changes to terminology in the WARR Levy Regulations, which relate to categories 63, 64 and 65 premises (including “receive” and “disposal of to landfill”).

1 Context

The *Waste Avoidance and Resource Recovery Strategy 2030* (Waste Strategy) is a strategy for the improvement of waste services, waste avoidance and resource recovery to 2030. The Waste Strategy is developed under the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) and sets targets for waste reduction, resource recovery and the diversion of waste from landfill and aims to facilitate Western Australia's transition to a low-waste society.

The Waste Strategy notes the importance of the waste levy in diverting waste from landfill and increasing resource recovery. Aside from its value as an economic lever to underpin the financial viability of actions that divert waste from landfill, the levy also generates funds for a range of environmental and waste reduction purposes.

The Waste Strategy recognises the positive impact of the waste levy on the way Western Australians manage their waste. The levy system has been effective yet agile to enable amendments to ensure that compliant clean fill and uncontaminated fill (e.g. for land development purposes) can be accepted without a levy.

The State's overall performance, however, when benchmarked against other jurisdictions is still poor and requires greater focus on measures to enhance the effect of the levy and support the diversion of waste from landfill.

The legislative framework that underpins implementation of Western Australia's waste levy includes the *Waste Avoidance and Resource Recovery Levy Act 2007* (WARR Levy Act), the *Waste Avoidance and Resource Recovery Levy Regulations 2008* (WARR Levy Regulations), the *Environmental Protection Act 1986* (EP Act) and the *Environmental Protection Regulations 1987* (EP Regulations).

Reforms to the legislative regime for waste complement the objectives of the Waste Strategy and previous increases in the levy to improve the effectiveness of the levy as an economic lever to divert waste from landfill in Western Australia.

1.1 WARR Levy Act

Section 5 of the WARR Levy Act imposes a levy that is prescribed in the WARR Levy Regulations in respect of waste received at disposal premises – defined under section 3 as premises used for the purpose of receiving waste and in respect of which the occupier is required to hold a licence, whether or not such a licence is in force. Licences are granted under Part V Division 3 of the EP Act.

Section 6 establishes a liability to pay a levy imposed under Section 5 of the WARR Levy Act for 'waste received at disposal premises'.

1.2 WARR Levy Regulations

Regulation 12 of the WARR Levy Regulations sets out the amount of levy that is payable in respect of waste that is received at category 63, 64 and 65 landfill premises.

The term "landfill premises" is defined under Regulation 3 of the WARR Levy Regulations as "a licensed landfill" or "premises that would, if the occupier of the premises held a licence in respect of the premises as required under the EP Act, be a licensed landfill". The term "licensed landfill" is defined as premises specified

in category 63, 64 or 65 of the EP Regulations (Schedule 1) in respect of which a licence is held.

The WARR Levy Regulations set out formulas for calculation of the levy payable in relation to leviable waste, and outline exemptions which may be claimed.

Subject to exemptions, the waste levy applies to all waste received at landfill premises in the metropolitan region and all waste collected within the metropolitan region and received at landfill premises outside the metropolitan region.

With the approval of the CEO, an exemption from the waste levy may be granted in a range of circumstances outlined in Regulation 5, including (but not limited to):

- receipt of waste which is clean fill or uncontaminated fill used after the completion of landfill operations to cover waste disposed of at the premises and accepted by the licensee at no charge;
- waste that is collected and stored for reuse, reprocessing and recycling;
- waste used for construction or maintenance work carried out on the licensed landfill (subject to certain conditions); and
- hazardous waste reasonably removed by a public authority.

The intent of the waste levy is to discourage the disposal of waste to landfill and encourage resource recovery and reuse, in line with the objects of the WARR Act and objectives of the Waste Strategy.

2 Current methods for calculating waste liability

The WARR Levy Regulations set out different methods for determining the quantity of waste (and thus calculating the levy liability) at category 63, 64 and 65 landfill premises. The waste levy is prescribed in accordance with a formula based on waste weight (tonnes) received for disposal to landfill for category 64 and 65 landfills and waste volume (cubic metres) disposed of to landfill for category 63 landfills.

The current methods in respect of each of these premises is described below.

2.1 Category 63 premises in the metropolitan area

At inert (category 63) landfill premises in the metropolitan area, the WARR Levy Regulations require a survey to calculate the volume of inert landfill waste. The survey is used to establish a baseline against which the volume of waste subsequently disposed of to landfill can be measured at the end of each return period.

As outlined in section 1.2 above, exemptions may apply to some waste received at landfill premises. In relation to exempt waste, licensees are required to estimate the number of cubic metres of any exempt waste by using the '*Chief Executive Officer (CEO) approved manner*'. The *CEO approved manner* establishes the approved method for estimating waste volume or weight received at and disposed of to landfill and sets out the means for calculating the amount of landfill levy payable.

Thus, category 63 premises which have been granted exemptions under Regulation 5 are required to use the *CEO approved manner* to estimate the volume of exempt waste. The volume of any exempt waste is subtracted from the volume of waste (calculated by survey) to determine the volume of waste used for the purposes of levy calculation.

2.2 Category 63 premises outside the metropolitan area

At inert (category 63) landfill premises outside the metropolitan area, the WARR Levy Regulations require the use of the *CEO approved manner* to estimate both the total volume of waste disposed of to landfill and the volume of exempt waste.

The volume of any exempt waste is subtracted from the volume of waste disposed to landfill to determine the volume of waste used for the purposes of the levy.

2.3 Category 64 and 65 premises

Waste measurement at putrescible (category 64) and secure (category 65) landfill premises must be calculated based on weight at a weighbridge or, where no weighbridge is available (or where the premises are granted an exemption from the requirement to weigh received waste), estimated according to the *CEO approved manner*.

Category 64 and 65 premises granted exemptions under Regulation 5 are required to use the *CEO approved manner* to estimate the weight of exempt waste.

For category 64 and 65 premises, the weight of the exempt waste is subtracted from the weight of the waste received for disposal to landfill in order to determine the weight of waste used for the purposes of the levy.

2.4 Changes to the *CEO approved manner*

In summary and as outlined above, the *CEO approved manner* is used to estimate:

- Exempt waste for category 64 or 65 landfill premises without a weighbridge (or premises granted an exemption from the requirement to use a weighbridge);
- Waste received at category 64 or 65 landfill premises without a weighbridge (or premises granted an exemption from the requirement to use a weighbridge);
- Exempt waste for category 63 landfills in the metropolitan area; and
- Waste disposed of to landfill and exempt waste for category 63 landfills outside the metropolitan area.

The *CEO approved manner* provides for measurement of waste using a number of estimation methods, depending on whether waste is immediately disposed of to landfill or stored for disposal at a later date. In summary, these estimation methods include:

- A '**vehicle type method**' (for category 63-65 premises without a weighbridge or premises granted an exemption from the requirement to weigh waste), which estimates the weight (for category 64 and 65) or volume (for category 63) of waste by reference to vehicle types; and

- A **'weight to volume conversion method'** (for category 63 premises with a weighbridge), which converts weight measured using a weighbridge into volume.

The current *CEO approved manner*, which took effect on 11 June 2018, also allows for category 63 landfill premises with a weighbridge to use a vehicle type method.

3 Problems with existing methods

The current methods for estimating waste disposed to landfill and associated levy liability presents inequities for premises subject to the levy regime. To the extent that current methods underestimate the amount of waste disposed to landfill, this also hinders the effective execution of the levy, the goals of the Waste Strategy and the transition to a low waste society.

The Department has identified a number of material issues with the current methods for calculating leviable waste and levy liability. These include the inherent imprecision of particular estimation methods, the variation between different estimation methods, and the use of different methods by the same premises to calculate total waste (e.g. by survey) and exempt waste.

Weighbridges are generally acknowledged to be a more accurate method of waste measurement than volumetric surveys. Volumetric surveys must be carried out by qualified surveyors. They involve the comparison of the results of two or more topographical surveys conducted at different points in time and can thus provide a measure of the changes in the void space since the last survey.

Topographic surveys are highly complex, comprising detail of buildings, roads, fences, stockpiles, ponds, landfill cells, extraction areas, weighbridges and any other significant matters likely to impact on volume usage or landfill lifespan. As a consequence, volumetric surveys for category 63 landfills in the metropolitan area may be difficult to verify and pose a risk that waste disposed of to landfill will be inaccurately calculated.

In addition, a number of issues have been identified with the vehicle type method set out in the *CEO approved manner*. These are:

- The method assumes that all loads (including partial loads) are full loads. As a result, the volume of exempt waste may be overestimated and the volume of leviable waste (which is determined by subtracting exempt waste from total waste) may be underestimated.
- The method cannot accurately account for the density of exempt waste loads. The vehicle type method estimates volume based on the state of waste arriving at the landfill, which is generally in a low density (uncompacted), high volume state. Waste estimated by survey, on the other hand, is generally more compacted and in a higher density, lower volume state. The net effect of calculating leviable waste using these two different methods is that the leviable waste is underestimated.

Based on analysis conducted by the Department and depending on the waste stream, the vehicle type method may lead to over estimation of exempt waste by up to 300 per cent.

Inaccurate and inconsistent waste measurement methods are hampering the assessment of waste disposed to landfill and the effectiveness of the waste levy as an economic lever to make alternatives to landfill disposal more financially viable.

The deficiencies in the vehicle type method may provide an incentive for premises to use this method to minimise the estimation of leviable waste and levy liability. While premises using the weighbridge method are more accurately estimating leviable waste, these premises may be at a significant competitive disadvantage to those using the vehicle type method.

There are compelling grounds to address these issues to support the goals of Waste Strategy 2030, and to achieve a more uniform, effective and equitable outcome consistent with the objectives of the waste levy.

4 Approaches to waste levy estimation in other Australian states

Other Australian jurisdictions have introduced the mandatory use of weighbridges to improve accuracy in determining whether the levy is payable, for waste reporting and monitoring purposes and for licensing of waste processing, recycling and storage facilities.

4.1 Victoria

Landfill sites in Victoria subject to the levy are required to use specific methods set out in [Calculating the landfill levy and recycling rebates](#) (publication 332) to calculate landfill levy payments.

All Schedule C (metropolitan and provincial) landfill licence holders are required to use a weighbridge to weigh the waste and other incoming materials entering the premises. The weighbridge weight measurements must be used to calculate all levy payments, including that for prescribed industrial waste.

Non-schedule C (rural) landfills that do not have a weighbridge may use alternative methods. A standard condition in landfill licences is that “a weighbridge must be used to determine the weight of waste deposited at the premises” (*licence condition L114, Landfill Licensing Guidelines*).

4.2 New South Wales

In 2014, New South Wales (NSW) introduced requirements for all licensed processing, recycling and storage facilities liable to pay the levy, to have a weighbridge installed by 1 February 2016.

Scheduled waste facilities are also required to submit a vehicle flow control plan to ensure that all waste entering or leaving the facility is weighed on a weighbridge and that weighbridges are maintained in proper working order.

Third-party weighbridges may be used if approved by the NSW Environment Protection Authority (EPA).

4.3 South Australia

South Australian waste depots receiving 10,000 tonnes or more of solid waste for disposal are required to have an onsite weighbridge. The South Australian EPA may exempt that holder from complying with the requirement to install a weighbridge at the depot if:

- the EPA is satisfied the depot will cease operating within 12 months; or
- suitable arrangements are in place for the waste to be weighed at an approved weighbridge located at a place other than the depot.

Solid waste depots in South Australia receiving less than 10,000 tonnes of solid waste (except for non-metropolitan councils using the population-based formula) are also required to weigh waste on a weighbridge (either onsite or offsite) with the exception of waste delivered by Class 1-3 vehicles (e.g. cars, station wagons, utilities, vans, trailers).

4.4 Queensland

On 20 March 2018, the Queensland Government announced the development of a comprehensive Waste Management Strategy underpinned by a Waste Disposal Levy to increase recycling and recovery, and create new jobs. The paper sets out the directions for the Government's reintroduction of the waste levy in the first quarter of 2019 (following its repeal) and acknowledges the need to ensure landfill infrastructure, including weighbridges, are 'levy ready'.

The operators of waste disposal sites in Queensland receiving more than 10,000 tonnes of waste per year are currently required to install a weighbridge.

5 Options to address the problem

The Department is considering options for amending the WARR Levy Regulations to require category 63-65 landfill premises to use a weighbridge to measure waste. This requirement is proposed to apply to all liable waste disposed to landfill (category 63) or received for disposal at category 64 and 65 premises.

Weighbridges are a more accurate method of waste measurement than volumetric surveys. Requiring the use of weighbridges will support a more consistent application of the waste levy regime for all liable premises, delivering a verifiable, accurate and equitable method of levy calculation and underpinning the goals of the levy regime.

Weighbridges facilitate a more timely determination of levy liability and payment of landfill levy compared to volumetric surveys, which take longer, are more difficult to verify, and require the cooperation of the operator.

Stakeholder views are being sought on key reform options for the implementation of mandatory weighbridges. The options being considered by the Department are:

- Option 1: No change to the existing methods to calculate waste levy liability.
- Option 2: Liable landfill premises must install a weighbridge onsite with levy calculation based on tonnes.

- Option 3: Waste that is to be disposed of to landfill, or received at liable landfill premises for disposal to landfill, must be weighed on a weighbridge with levy calculation based on tonnes.

5.1 Option 1: No change

Under Option 1, liable landfill premises are permitted to continue to use measurement methods set out in the *CEO approved manner* consistent with the WARR Levy Regulations.

This option would result in inaccurate calculation of leviable waste, and inequitable application of the waste levy regime. This would blunt the signal of the waste levy as an economic lever to divert waste from landfill.

The existing inconsistent waste measurement methods present a competitive disadvantage to liable landfills using more accurate methods (i.e. weighbridges) to estimate exempt waste.

Quarterly volumetric surveys currently required for category 63 landfills in the metropolitan area incur direct costs for the Government, associated with the rebate of survey costs (up to \$2000 per premises per quarter) and administrative costs incurred on the verification of levy returns.

In addition, an analysis conducted by the Department suggests the vehicle type method may lead to over estimation of exempt waste by up to 300 per cent, and undermine the effectiveness of the levy regime.

As Option 1 maintains the status quo, it would not support the objectives of the Waste Strategy, but would also not impose any additional costs on business. Option 1 would result in inequitable outcomes for liable landfill premises and ongoing environmental damage through waste generation and disposal.

Question 1. Are there advantages or disadvantages associated with Option 1 which have not been identified in this consultation paper? If so, please describe.

5.2 Option 2: Liable landfill premises must install a weighbridge onsite with levy calculated based on tonnes.

Under Option 2, the Department would require the licensees of landfill premises where leviable waste is disposed of to landfill (category 63) or received for disposal to landfill (categories 64 and 65) to install a weighbridge onsite.

The implementation of weighbridges provides an opportunity to better align landfill premises, such that all liable landfills are required to weigh waste on a weighbridge.

Question 2. What are the advantages and disadvantages of requiring liable landfills to install an onsite weighbridge?

The proposed regulatory amendments would enhance consistency and significantly improve the accuracy of waste measurement. In particular, the use of weighbridges would address the competitive disadvantage conferred on operators using more accurate estimation methods compared with those that use less precise methods.

Weighbridges may reduce the need for, or frequency of, volumetric surveys which are currently required on a quarterly basis. However, volumetric surveys may still be required to address instances of non-compliance or aid in resolution of disputes.

Noting that the utility and accuracy of volumetric surveys depends on their frequency, the Department is considering a suitable framework for ongoing volumetric surveys to complement the introduction of weighbridges.

Question 3. What is the optimal interval for volumetric surveys once weighbridge requirements are introduced?

Weighbridge requirements will impose compliance costs on liable landfill premises that do not currently have a weighbridge installed.

It is noted that almost two thirds of landfill premises currently operating in the metropolitan area (10 out of 16) already have a weighbridge installed. For liable landfill premises in the non-metropolitan area, around half (7 out of 13) have a weighbridge installed.

This data suggests that proposed weighbridge requirements would currently impact around 12 landfill premises in Western Australia, subject to those premises choosing to continue to dispose of or receive leviable waste. There may, however, be implications for non-metropolitan landfills receiving leviable waste in future.

Advice provided to the Department is that the basic cost of a weighbridge is between \$95,000 - \$120,000, with annual maintenance costs of around \$4000 per annum.

Question 4. Are the capital costs outlined in this paper reasonable?**Question 5. Are there additional costs to landfill premises associated with the requirement to install a weighbridge which have not been identified?****Question 6. Are there barriers to installation of weighbridges beyond those outlined in this paper?**

5.3 Option 3: Waste that is to be disposed of to landfill, or received at liable landfill premises, must be weighed on a weighbridge with levy calculation based on tonnes.

Under Option 3, premises where leviable waste is disposed of to landfill (category 63) or premises where waste is received for disposal to landfill (categories 64 and 65) would be required to weigh waste with a weighbridge either onsite *or* at an alternate location (third party weighbridges).

It is proposed that third party weighbridges may be considered suitable where:

- a transitional period is required before a weighbridge is installed onsite;
- a weighbridge breaks down or requires extensive maintenance work; or
- the licensee has an arrangement with another weighbridge reasonably co-located e.g. the offsite weighbridge is owned/operated by their organisation, or as a business partnership, and therefore appropriate records are available.

Option 3 would enhance consistency and significantly improve the accuracy of levy calculation and timely payment of levy.

While provision for third party weighbridges may mitigate capital and ongoing costs associated with weighbridge installation, this option may be harder to regulate and prone to rorting. The use of offsite weighbridges makes it possible for waste loads to be tampered with between the weighbridge location and the final destination.

Verification for compliance purposes is also more complex for Option 3. Facilities where weighbridges are located are not necessarily licensed premises, and only licensed landfills are required to make records under Regulation 17 of the WARR Levy Regulations. This presents challenges for the Department in terms of access to, and auditing of, waste records, and the identification of false or misleading records and consequent prosecution.

Specific provisions may be required to minimise the risk of load tampering and to support transparency and accountability for third party weighbridge use.

The use of third party weighbridges, if permitted, would be subject to approval of the CEO. Premises would be required to outline suitable arrangements to ensure that measurement records from third party premises are transferred to the licensee, that records are available for inspection upon request, and that the requirements related to vehicle flow and weighing of all loads entering the premises are adequate.

Compared with Option 2, Option 3 may reduce regulatory burden for liable landfill premises without a weighbridge currently installed onsite.

Question 7. What are the advantages and disadvantages of providing for third party weighbridges?

Question 8. What are the direct and indirect costs for businesses using, or requiring the use of, third party weighbridges?

Question 9. Are there any unintended consequences associated with the use of third party weighbridges, other than those identified?

Question 10. What specific measures would be required to ensure the effective regulation of third party weighbridges?

5.4 Other matters

Transitional measures may be required to ensure that landfill premises subject to weighbridge requirements can install weighbridges or make suitable arrangements to use third party weighbridges. Modifications to record-keeping, monitoring and site management may also be required as a result of new weighbridge requirements, depending on the substance of those requirements.

New weighbridge provisions in New South Wales were announced on 1 November 2014, with requirements coming into effect from 1 February 2016. This 15-month transitional period was provided to allow sufficient time for premises without a weighbridge to have a weighbridge installed, and make necessary changes to operational or administrative procedures.

Question 11. What is a reasonable period to allow operators of liable landfill premises to comply with mandatory weighbridge requirements?

6 Consultation

6.1 Consultation undertaken to date

A discussion paper - *Waste levy and waste management: Proposed approaches for legislative reform* - was released by the Department on 25 August 2017 outlining approaches for improving the waste levy framework. The 12-week consultation period on proposed reforms included a proposal to require the use of weighbridges. A total of 37 submissions on the discussion paper were received, including submissions from the Western Australian Local Government Association, the Waste and Recycling Industry Association of Western Australia, and the Waste Management Association of Australia.

Submissions were generally supportive of the proposal to require use of weighbridges, although some respondents did not support on the grounds of high capital costs of weighbridge installation.

6.2 Current consultation period

The period of submissions on this consultation paper will be 12 weeks.

Feedback from this consultation process will inform the development of proposed amendments to the WARR Levy Regulations to introduce the requirement for liable landfill premises to use weighbridges.

Submissions on the proposed reform should be submitted to:
wastereform@dwer.wa.gov.au.

Submissions will close at **5 pm (WST) on 24 July 2019.**

Glossary

CEO: means Chief Executive Officer of the department of the Public Service principally assisting in the administration of this Act.

Diversion: waste diversion or landfill diversion is the process of diverting waste from landfills to other purposes (for example, reuse, recycling or recovery).

Landfill premises: means —

- (a) a licensed landfill; or
- (b) premises that would be a licensed landfill, if the occupier of the premises held a licence in respect of the premises as required under the EP Act.

Levy: means a levy imposed under the *Waste Avoidance and Resource Recovery Levy Act 2007* on the disposal of waste.

Licensed landfill: means premises specified in category 63, 64 or 65 of the Environmental Protection Regulations 1987 Schedule 1 in respect of which a licence is held.

Licensee: means the holder of a licence in respect of a licensed landfill.

Occupier: an occupier of a premises is a person who is in occupation or control of those premises, whether or not that person is the owner of those premises.

Recovery: recovery refers to mechanical, thermal, biological or chemical actions that recover all or some of the materials that may otherwise be disposed to landfill.

Recycling: recycling refers to using recovered waste materials substituted for raw materials.

WARR Account: means the Waste Avoidance and Resource Recovery Account established by Section 79 of the *Waste Avoidance and Resource Recovery Act 2007*.

Waste: waste as defined under the *Waste Avoidance and Resource Recovery Act 2007* includes matter whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment or prescribed by the *Waste Avoidance and Resource Recovery Regulations 2008* to be waste.

Waste Strategy: means the Waste Avoidance and Resource Recovery Strategy approved and in force under Part 4, Division 1 of the *Waste Avoidance and Resource Recovery Act 2007*.