



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

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Consultation summary report

Approved procedures for estimation/calculation of annual return information under the Waste Avoidance and Resource Recovery Regulations 2008

June 2019

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Resource Recovery Regulations 2008

Department of Water and Environmental Regulation
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1 Executive summary

Local governments, waste recyclers and some regional landfill premises will need to keep records and report data in line with certain amendments to the Waste Avoidance and Resource Recovery Regulations 2008 (WARR Regulations). Under the amendments, 'liable persons' will have to keep records and submit waste and recycling data reports to the Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation using an approved method.

Between July and August 2016, the department consulted with key stakeholders on the intent of the regulations, policy framework and proposed amendments. These stakeholders included waste processors, local governments, larger rural landfill operators and the broader community. A consultation paper was published on the department's website during this period. The amendments were developed in consideration of the comments received during the consultation period.

In April 2019 we proposed three methods for 'liable persons' to estimate/calculate annual return information. The WARR Regulations define 'liable persons' as:

1) *Local governments*

Local governments that provide waste services

2) *Recyclers*

Occupiers of premises, whether or not the person holds a licence in respect of the premises –

- a. if reportable waste is treated, processed or sorted at the premises for the purposes of reprocessing, recycling or energy recovery; and
- b. if, as a result of that treatment, processing or sorting, at least 1000 tonnes of reprocessed, recycled or recovered material is produced in a financial year that –
 - i. needs no further processing and is ready for use as a production input or a final product; or
 - ii. is to be exported from the state.

3) *Non-metropolitan landfills*

Licensees, or persons who are the occupier of premises that would, if the person held a licence in respect of the relevant premises be a licensed landfill –

- a. if at least 20 000 tonnes of reportable waste is received in a financial year at the licensed landfill or relevant premises;
- b. if the licensed landfill, or the relevant premises are, outside of the metropolitan region.

The consultation period for the proposed methods was from 8 April to 26 May 2019. In addition to inviting written submissions, we held workshops on 30 April and 6 May 2019. Thirteen people attended the workshops for recyclers, 31 people attended the

workshops for local governments and one person attended the workshop for non-metropolitan landfills. We held webinars 1, 2 and 3 May 2019, and these are available on the department's website. We also held one-on-one meetings with key stakeholders on request.

The department received 26 submissions, including 10 submissions from local governments, 11 submissions from waste and recycling operators, three submissions from industry bodies and two submissions from consultancies. See Appendix A for a list of respondents. We also recorded comments received at the workshops, webinars and one-on-one sessions.

The feedback we received from stakeholders generally supported the amendments and methods. They mostly acknowledged that the reporting requirements will facilitate improved waste data, and enable us to monitor progress against the waste strategy.

This report summarises the feedback we received during the consultation period and provides our responses.

We posed the following key questions in the consultation papers were:

1. Are the proposed **material categories** practical and appropriate?
2. Are the proposed **calculation methods** to estimate the weight of waste received, disposed, leaving and stockpiled at your site practical?
3. Are there any **barriers** that would prevent your organisation from using these calculation methods? If so, what are they?
4. Are the proposed default material densities and other **default values** appropriate?

We posed two additional questions that were specific to the approved procedure for local governments:

1. Is the annual 'local government waste and recycling census' template an appropriate **reporting template**?
2. Are the proposed **special provisions** suitable for smaller governments?

Some issues not directly related to any of the questions posed are also addressed in this report, including:

- the **accuracy** of the data reported
- **enforcement** of data reporting requirements
- the reporting liability of **charitable recyclers**.

The department has revised the approved procedures, where relevant and appropriate, to take account of the feedback we received. The approved procedures form part of a CEO Notice for each type of 'liable person', which are gazetted under the WARR Regulations.

Several submissions raised issues that were not in the scope of this consultation. These included comments on:

- the waste levy – particularly its application, methodology, and compliance and enforcement regime
- the proposed compulsory use of weighbridges
- the public reporting of waste and recycling data on the MyCouncil website

We have passed on these comments to the relevant area within the department for consideration. Because they were not in the scope of this consultation, they are not considered further in this report.

The department thanks all respondents who took part in the consultation process.

2 Summary of submissions

2.1 Material categories

‘Liable persons’ must categorise and report ‘reportable waste information’ using the waste material categories given in the approved procedures.

Submissions

Respondents asked us to expand the list of material categories and to include ‘mixed waste’ as a category. Some respondents also suggested separate categories for waste received at the facility, and for waste leaving the facility.

A common request among the three different types of liable persons (local governments, recyclers and non-metropolitan landfills) was for an expanded material categories list. One respondent queried the basis for the material categories list.

Response

We have expanded the material categories list in each approved procedure to accommodate the feedback provided. The additions included:

- ‘mixed waste’ as a category for waste received at the facility
- more detailed material categories made up of two tiers (category and subcategory)
- some categories are now denoted as suitable for waste received only
- additional guidance for drop-off waste in the approved procedure for local governments.

We have now included the same material categories in each of the approved procedure documents, for use by all ‘liable persons’.

The material categories list is consistent with the list in the voluntary annual local government waste and recycling census, which local governments are familiar with. The list also aligns broadly with the priority materials in the waste strategy.

2.2 Calculation methods

The approved procedures provide a hierarchy of approved calculation or estimation methods that ‘liable persons’ must use to prepare their annual returns.

Submissions

Several respondents requested that we add ‘used onsite’ as an option for the fate of reportable waste, in addition to the options of ‘landfilled’, ‘recycled’, ‘stockpiled’ and ‘waste-to-energy’.

Stakeholders queried whether weigh pads were acceptable instead of trade-approved weighbridges.

Some stakeholders considered the proposed method for determining the weight of stockpiles to be onerous.

Local governments expressed concern about how to report commercial and industrial (C&I) waste, in particular how to calculate the quantities of C&I waste collected.

Many stakeholders asked us to clarify an alternative method to calculate/estimate the information required under the WARR Regulations.

Response

Additions to methods

We have added the following to the approved procedures:

- 'used onsite' as an option for the fate of reportable waste.
- other methods to weigh waste, including the use of weigh pads.

We have also revised the approved procedures to include additional methods for determining the weight of stockpiles. These include methods that stakeholders proposed during consultation, such as estimation by weight and estimation by physical measurement.

C&I waste

We have revised the approved procedure for local governments to clarify the following:

- local governments must report the amount of waste and recycling they collect from businesses through the commercial waste services only provided by the local government or via a third-party on behalf of the local government. Where local governments do not provide a commercial service themselves or via a contracted third-party, they are not required to report on commercial waste in their area;
- local governments are only required to report on waste that is 'self-hauled' by residents and occupiers of commercial premises located within the local government area to its drop-off facilities; and
- local governments can assume that all small loads received at drop-off facilities are domestic (MSW) waste.

Submission of alternative methods

A clause has been added to the approved procedures to allow liable persons to apply to the department to use alternative methods, where the approved methods are unsuitable for their business practices. We have added this clause to ensure that all 'liable persons' can meet their reporting obligations. You can submit your alternative methods for the department's consideration and approval prior to use in an annual return to waste.data@dwer.wa.gov.au.

Alternative methods must be accurate, repeatable and consistent.

2.3 Barriers to using methods

We asked respondents to give us feedback on any barriers to using the procedures and methods so that we could help overcome them, where possible.

Submissions

Respondents raised several barriers to using the calculation methods and reporting the required information, including:

- determining the costs of providing waste and recycling services
- confusion over the requirement for reporting drop-off waste, particularly where a site has a transfer station
- determining the source of waste
- determining the liability of agricultural and forestry industries
- different interpretations of key terms.

Many respondents asked the department not to penalise 'liable persons' in the first year if they could not fully comply with their reporting obligations.

Response

Determining the costs of providing waste and recycling services

The department has amended the approved procedure for local governments to allow for less detailed reporting of the costs of providing waste and recycling services. Local governments will be able to report the total cost, rather than disaggregating this information by waste type and waste service. The department will help 'liable persons' to prepare their annual returns, including estimating costs and charges.

Reporting drop-off waste

We have included additional guidance for drop-off waste services in the approved procedure for local governments. This guidance clarifies the definition of 'drop-off' collections; that is, reportable waste that residents of the local government area take to the waste depot (self-hauled waste). This guidance also clarifies reporting requirements for sites with and without transfer stations.

Determining the source of waste

We have provided approved methods to determine the source of waste received at facilities. Alternative methods may be proposed if recyclers and landfills are unable to record this – these will require the department's approval as per the process for submitting alternative methods (see Section 2.2).

Liability

'Liable persons' do not need to report agricultural and forestry waste – including waste generated at poultry farms, pig farms and feedlots – if this waste is recycled *in situ*. This is captured by the requirement to report the waste *received*, not the waste *received or generated*. We will develop further guidance for the agricultural and forestry industries.

Key terms

We have expanded the glossaries in the approved procedures and reviewed the definitions to ensure consistent interpretations of key terms.

Compliance

The department will provide support to assist 'liable persons' to prepare their annual returns to comply with the WARR Regulations.

2.4 Default values

'Liable persons' must use facility-specific values to prepare their annual returns where this information is available. The approved procedures provide default values for use when facility-specific data is not available.

Submissions

Several stakeholders did not understand how the default values in the approved procedures were to be used. They assumed they had to use the values, even if more accurate facility-specific values were available. Other submissions assumed that reporters were expected to develop their own bulk densities.

Stakeholders suggested many different default values, which we have considered. Several submissions recommended that we use different vehicle types and volume of waste by vehicle type. They also suggested removal of the default cost data.

Response

We have revised the approved procedures to clarify that default values are provided for circumstances when facility-specific values are not available.

'Liable persons' do not have to use the default vehicle types and volumes: they can use their own facility's vehicle types and volumes when assessing the volume of waste loads. They must record the vehicle types and assumed volumes, and these records must substantiate the quantities reported in the annual return.

The department has updated some default values based on feedback and further research, including the default bulk densities and default compositions of recyclables.

We have retained the default cost values, for use only in the absence of reported data. The publication of the default figures supports open and accountable reporting practices.

2.5 Reporting template

The department is developing an online system for reporting under the WARR Regulations. This will be ready for the submission of the first reports by 1 October 2020. The local government report format will be similar to the voluntary census template, which local governments use for reporting at present. We sought feedback

to identify opportunities to improve the reporting format for the new online reporting system.

Submissions

Local governments generally agreed the current census is an appropriate and familiar template to use for reporting.

Some local governments suggested that the department provide templates for data collection throughout the financial year to help them prepare their reports.

Several respondents queried why littering and illegal dumping information, which is included in the current census reporting template, was not included in the scope of the reporting requirements.

They also asked the department give local governments at least 12 months' notice to establish or implement changes to their data collection practices and systems, including the reporting template.

Response

Use of current reporting template

The department is developing an online system to replace the spreadsheets used for the census at present. This system will be based on the current census template, but will provide a centralised, secure and modern interface to allow reporters to comply with their legislative obligations in an efficient manner.

Templates for recordkeeping

We do not consider it is appropriate to provide templates for data recording throughout the financial year. This is because we believe it is too prescriptive for local governments to collect data according to a standard template. Additionally, the diverse range of services, software and resourcing make it difficult for the department to provide a suitable template for all local governments to use. Local governments may seek advice from the department on their individual data collecting templates and methods.

Littering and illegal dumping

The requirement to report on littering and illegal dumping was not included in the 2016 consultation paper, *Proposed amendments to the Waste Avoidance and Resource Recovery Regulations 2008 to require recordkeeping and annual reporting of waste and recycling data*. We will seek this data as a voluntary component of the online reporting system.

Changes to reporting requirements and template

Any changes to the information that must be reported, including the format of the reporting template, will be communicated to all liable persons via the CEO Notice and published in the *Government Gazette*.

2.6 Special provisions

As an acknowledgement that smaller non-metropolitan local governments may not have the resources or the capability to report in accordance with the approved methods, we have made special provisions. These apply to liable non-metropolitan local governments with populations of less than 5000 and less than 1500.

Submissions

Several stakeholders asked us to increase the population thresholds for local governments that allow for the special provisions to be used. They also suggested that we base the population rate on the proportion of the population that uses the waste facilities within the local government, rather than the estimated residential population.

Some respondents suggested that all local governments, irrespective of population size, should report waste generation rates.

Some respondents requested further information about the need for local governments with an estimated residential population of 1500 or less to verify or submit waste management information. They assumed the department could pre-fill this information in the online reporting system.

Response

The department has retained the estimated resident population thresholds used during consultation. These thresholds provide a balance between the waste generated as a result of the population size, and the resources available for local governments to collect and report data.

The department has also retained the definition of the estimated residential population (as per latest release of ABS catalogue 3218.0 – Regional Population Growth at 30 June of the year the local government's annual return is due). This is because we prefer to use a consistent, simple definition that is easy to obtain.

We have included the special provisions to acknowledge that smaller non-metropolitan governments often do not have the resources to capture and report the required data. The hierarchical methods require smaller local governments to report data where they have the resources to do so. We have amended the approved procedure for local governments to clarify that the special provisions apply to non-metropolitan local governments only, as all metropolitan local governments have the resources to use the most preferred method, regardless of population size.

We require small local governments with an estimated residential population of 1500 or less to report descriptive data about the types of waste and recycling services provided to their residents. This is necessary for us to make reasonable estimates about the quantities of waste the local government collects. While the online reporting system was outside the scope of this consultation, we expect that some fields will be pre-filled to help with efficiency.

2.7 Data accuracy

Submissions

Some respondents raised concerns about the data accuracy associated with the estimation method based on volume.

They questioned why non-metropolitan landfills were able to use a volume-based method for reporting under the WARR Regulations.

They also raised the potential for double counting of materials through the reporting requirements, specifically where:

- materials are brought into a local government's facility that originate from another local government
- recycled material is traded multiple times before it becomes a final product.

Response

To minimise the impact on 'liable persons', we have made the approaches in the approved procedures broadly consistent with those currently used by reporters for currently used by reporters under the census and the Recycling Activity Review. We provide the volume methods to ensure that 'liable persons' can meet their reporting obligations, if they do not have a weighbridge. The hierarchy of methods in the procedures requires use of a weighbridge, if available.

The intent of the methods is to avoid the imposition of disruptive or onerous new requirements on 'liable persons'. We have updated the approved procedure for non-metropolitan landfills. This clarifies that liable landfills subject to the waste levy must use methods consistent with the requirements under the Waste Avoidance and Resource Recovery Levy Regulations 2008. A consultation on the use of mandatory weighbridges is still underway and is separate to the reporting requirements discussed in this paper.

Double counting of local government waste is avoided as the approved procedure specifies that waste should only be reported when it is collected within the reporting local government's boundaries. We have provided additional guidance about this requirement in the approved procedure for local government.

Double counting of recyclables is avoided by:

- the definition of a liable recycler which includes a threshold that is qualified by the material needing no further processing, and is ready for use as a production input or final product, or is to be exported from the state
- the destination of processed waste or recycled product (now includes 'further processing in Western Australia').

2.8 Enforcement

Submissions

Many stakeholders asked for details about how we would enforce compliance with the reporting requirements. They recommended that the department verify reported data and undertake regular compliance activities.

Some respondents suggested mandating weighbridges with an accompanying compliance regime, and that we increase the penalties for non-compliance.

Response

The department is focusing on providing guidance and support to 'liable persons' to enable them to fulfil their legislative obligations. We will also develop compliance mechanisms and processes.

The amendments to the WARR Regulations are replacing voluntary reporting processes. The approved procedures are intended to help 'liable persons' meet their regulated reporting obligations.

2.9 Charitable recyclers

Submissions

Charitable recyclers sought clarification on their liability and reporting obligations under the WARR Regulations. They wanted to know where the liability threshold for recyclers applied and whether items they received, processed and sold for reuse were reportable.

Response

Subsection 18B(3) of the WARR Regulations defines liable recyclers as the *occupiers of premises* that carry out certain activities and meet a specified threshold. This is reflected in the CEO Notice for liable recyclers.

The department has included a new section in the approved procedures for liable recyclers. This clarifies that activities such as the sorting and sale of unwanted items by charity-operated 'op shops' do not need to be reported under the WARR Regulations.

We will continue to work with charitable recyclers to further clarify their reporting obligations under the WARR Regulations.

Appendix A - Consultation submissions

We received 26 submissions during the consultation period, as listed in Table 1.

Table 1: Consultation submissions

#	Respondents
1	ASK Waste Management
2	City of Subiaco
3	Shire of Boddington
4	Good Samaritan Industries
5	ParaQuad Industries
6	Stoneridge
7	Shire of Narrogin
8	Instant Waste Management
9	Shire of Esperance – Submission 1
10	Shire of Esperance – Submission 2
11	Western Australian Local Government Association
12	Sims Metal Management
13	Talis Consultants
14	Waste and Recycling Industry Association of Western Australia
15	Premium Waste Management (Waroon Resources)
16	Eco Resources
17	SUEZ
18	City of Kalamunda
19	Peel Resource Recovery Pty Ltd – Submission 1
20	Forrestdale Recycling
21	City of Rockingham

22	Waste Management & Resource Recovery Association of Australia
23	Peel Resource Recovery Pty Ltd – Submission 2
24	Western Metropolitan Regional Council
25	City of Albany
26	City of Armadale

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