



# **Proposed Amendments to the *Waste Avoidance and Resource Recovery Regulations 2008* to Require Record-keeping and Annual Reporting of Waste and Recycling Data**

*Consultation paper*

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## Document control

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## Executive Summary

Waste and recycling data are collected annually from local government and industry in Western Australia to assess the State's performance against the landfill diversion targets outlined in the *Western Australian Waste Strategy: Creating the Right Environment* (Waste Strategy) and to report against budget key performance indicators.

Through its administration of the waste levy, DER collects data on metropolitan waste disposed to landfill. Data are also provided voluntarily through:

- the annual Local Government Waste and Recycling Census; and
- the Recycling Activity Review (RAR), an annual survey of businesses that recycle materials.

The provision of the waste and recycling data on a voluntary basis has resulted in an incomplete dataset due to variable response rates. It is estimated, for example, that less than 70 per cent of organics reprocessors respond annually to the data request for the RAR. In addition, while over 90 per cent of Western Australian local governments have participated in the census since 2011–2012, participation has previously been as low as 25 per cent (during the 2008–2009 reporting year). The voluntary nature of reporting means that reporting entities have a reduced incentive to ensure they provide accurate data and significant government resources are required to ensure adequate reporting rates and data quality.

Improving waste and recycling data will promote well-informed and targeted policy and programs, and enhance the effectiveness of Western Australia's Waste Strategy.

The Department of Environment Regulation (DER) is developing amendments to the *Waste Avoidance and Resource Recovery Regulations 2008* (WARR Regulations) to require annual reporting to the Waste Authority and record-keeping of waste and recycling data by local governments, waste recyclers and licensees of major regional landfills.

The proposed amendments will require liable entities to report data to the Waste Authority. Liable entities will be required to keep records to enable DER to both ascertain whether the reporting entity has complied with its reporting obligations and, if required, to audit the information reported. Reporting will be required on a financial year basis. All reporting entities will be required to report data to the Waste Authority for the previous financial year by 1 October each year.

The requirement to report data will not commence until the relevant method has been approved. Further consultation on draft methods will be undertaken with stakeholders prior to implementation of data reporting requirements.

Feedback on this consultation paper will inform the development of the proposed regulations to give effect to data reporting requirements. Further information on progress with this initiative will be provided as it becomes available on the DER website at <https://www.der.wa.gov.au/our-work/legislative-review-regulatory-reforms>.

## Purpose of the Consultation Paper

This consultation paper provides an overview of proposed amendments to the WARR Regulations to require liable entities, for example local governments and nominated waste facility operators, to report waste and recycling data. It provides broad information for stakeholders on indicative calculation and reporting methods.

- Part 1 of the paper presents the legislative and policy context for the regulatory amendments to require data and reporting.
- Part 2 of the paper identifies liable entities and reporting thresholds.
- Parts 3 and 4 of the paper set out the indicative record-keeping requirements and methods for measuring and estimating waste and recycling data.
- Part 5 of the paper deals with penalties and offences.
- Part 6 of the paper provides information on supporting resources and guidance.
- Part 7 of the paper sets out the next steps.

## About Stakeholder Consultation

DER is seeking feedback on the issues identified in this consultation paper.

DER will analyse submissions and make recommendations to the Minister for Environment on the proposed reforms.

By making a submission, you are consenting to the submission being treated as a public document. If you do not consent to your submission being treated as a public document, you should mark it as confidential, specifically identify those parts which you consider should be kept confidential, and include an explanation.

DER may request that a non-confidential summary of the material is also given. It is important to note that even if your submission is treated as confidential by the Department, it may still be disclosed in accordance with the requirements of the *Freedom of Information Act 1992*, or any other applicable written law.

The Department reserves the right before publishing a submission to delete any content that could be regarded as racially vilifying, derogatory or defamatory to an individual or an organisation.

## How to Make a Submission

Written submissions must be received by 5pm (WST) on Friday 26 August 2016. No late submissions will be considered. We look forward to receiving your submission.

Submissions can be lodged by email (preferred) to [WARR\\_reform@der.wa.gov.au](mailto:WARR_reform@der.wa.gov.au) or hard copies can be mailed to:

Project Manager  
WARR Regulation Amendments  
Department of Environment Regulation  
Locked Bag 33  
CLOISTERS SQUARE WA 6850

For more information, please contact the Project Manager, WARR Regulations Amendments on +61 8 6467 5000.

## 1. Context

This section provides an overview of the legislative and policy context for the waste and recycling sector in Western Australia as it relates to waste and recycling reporting, including a summary of the existing reporting framework.

### 1.1 Legislative Context

The *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) is the principal legislation dealing with waste management in Western Australia. The objects of the WARR Act, as set out in section 5 of the Act, are as follows:

- (1) The primary objects of this Act are to contribute to sustainability, and the protection of human health and the environment, in Western Australia and the move towards a waste-free society by —
  - (a) promoting the most efficient use of resources, including resource recovery and waste avoidance; and
  - (b) reducing environmental harm, including pollution through waste; and
  - (c) the consideration of resource management options against the following hierarchy —
    - (i) avoidance of unnecessary resource consumption;
    - (ii) resource recovery (including reuse, reprocessing, recycling and energy recovery);
    - (iii) disposal.
- (2) The principles set out in the EP Act section 4A apply in relation to the objects of this Act.

The WARR Act consolidated waste management-related provisions from the *Health Act 1911*, *Environmental Protection Act 1986* (EP Act) and the *Environmental Protection (Landfill) Levy Act 1998* (Landfill Levy Act).

The WARR Act:

- establishes the Waste Authority (see Section 1.2 below);
- provides for the development of a Waste Strategy (see Section 1.3 below) and other related waste management documentation;
- provides for product stewardship and extended product responsibility arrangements;
- provides mechanisms related to the management of waste services by local governments (for example, waste local laws, waste plans and waste collection permits); and
- supports the statutory framework for the collection of a levy imposed on waste disposal and provides for the application of the waste levy credited to the Waste Avoidance and Resource Recovery Account (WARR Account).

The WARR Act also provides the power for regulations to be made for a number of purposes (for example, prescribing offences, regulating waste facilities, assessing the implementation and operation of product stewardship plans) including the *keeping, inspection and production of reports, records, returns, registers and other information*.

The *Waste Avoidance and Resource Recovery Levy Act 2007* (WARR Levy Act) provides for the imposition of levy amounts in respect of waste received at disposal premises and the creation of a liability to pay the levy amount imposed. The *Waste Avoidance and Resource Recovery Levy Regulations 2008* (WARR Levy Regulations) prescribe the amounts of leviable waste that is payable. The WARR Levy Regulations also set out the scope of application of the levy, providing that the levy is to apply at metropolitan landfills and metropolitan waste received at landfills outside the metropolitan area. The primary objective of the levy is to act as an economic instrument to reduce disposal by increasing its price relative to recycling and recovery.

In accordance with the WARR Act, not less than 25 per cent of the forecast levy amount in each year is allocated by the Minister for Environment to the WARR Account. Funds in the WARR Account are used to implement a range of initiatives to support the delivery of the Waste Strategy (see section 1.3). Further information on the levy is available from [www.wasteauthority.wa.gov.au/about/levy/](http://www.wasteauthority.wa.gov.au/about/levy/).

Copies of the WARR Act, the WARR Levy Act and associated regulations are available at [www.slp.wa.gov.au](http://www.slp.wa.gov.au).

## 1.2 Waste Authority

The WARR Act establishes the Waste Authority with various advisory functions including:

- development of the waste strategy and annual business plan to support the diversion of waste from landfill in Western Australia;
- the administration of funds in the WARR Account for programs and priorities outlined in the waste strategy and business plan; and
- provision of advice to the Minister on matters relating to waste management.

DER provides services to the Waste Authority.

Further information on the Waste Authority is available at [www.wasteauthority.wa.gov.au/about](http://www.wasteauthority.wa.gov.au/about).

## 1.3 Waste Strategy

The Waste Strategy released in March 2012 sets out the strategic directions and priorities for the next decade for the waste management sector in Western Australia and establishes targets for diversion of waste from landfill. The Waste Strategy is available at [www.wasteauthority.wa.gov.au/publications/western-australian-waste-strategy-creating-the-right-environment](http://www.wasteauthority.wa.gov.au/publications/western-australian-waste-strategy-creating-the-right-environment).

The Waste Strategy sets waste recovery rate targets for 2015 and 2020 which are expressed as the proportion of waste diverted from landfill as shown in

Table 1.



**Table 1: Landfill diversion targets set out in the Waste Strategy**

Waste Stream	Geographic Scope	2009/10 Baseline	2013/14 Performance	30 June 2015 Target	30 June 2020 Target
Municipal solid waste (residential and council waste)	Perth metropolitan region	36% diversion	41% diversion	50% diversion	65% diversion
Municipal solid waste (residential and council waste)	Major regional centres (including Peel)	15% diversion	Not reported	30% diversion	50% diversion
Construction and demolition waste	Statewide	29% diversion	38% diversion	60% diversion	75% diversion
Commercial and industrial waste	Statewide	46% diversion	45% diversion	55% diversion	70% diversion

The five key strategic objectives of the Waste Strategy are to:

- initiate and maintain long-term planning for waste and recycling processing, and enable access to suitably located land with buffers sufficient to cater for the State's waste management needs;
- enhance regulatory services to ensure consistent performance is achieved at landfills, transfer stations and processing facilities;
- develop best practice guidelines, measures and reporting frameworks and promote their adoption;
- use existing economic instruments to support the financial viability of actions that divert waste from landfill and recover it as a resource; and
- communicate messages for behaviour change and promote its adoption, and acknowledge the success of individuals and organisations that act in accordance with the aims and principles in the Waste Strategy and assist in its implementation.

Initiatives to assist in achieving these objectives and the landfill diversion targets are outlined in the Waste Authority's Business Plan available from:

[www.wasteauthority.wa.gov.au/publications/business-plan-2015-16](http://www.wasteauthority.wa.gov.au/publications/business-plan-2015-16).

## 1.4 Current Reporting Regime

DER collects annual waste and recycling data across Western Australia to perform its statutory functions and also voluntarily on behalf of the Waste Authority.

Through its administration of the waste levy, DER collects data on metropolitan waste disposed to landfill. Data are also collected on a voluntary basis through:

- the annual Local Government Waste and Recycling Census; and
- the Recycling Activity Review (RAR), an annual survey of businesses that recycle materials.

#### 1.4.1 The Census

The census has been conducted annually since 2007. While completion of the census is voluntary, its provision is a condition of eligibility for local governments seeking WARR Account funding. The objective of the census is to provide information to support:

- the development of policy and programs;
- monitoring progress towards the targets in the Waste Strategy; and
- State Government reporting requirements to the National Environmental Protection Council under the *National Environmental Protection (Used Packaging Materials) Measure 2011* (NEPM-UPM).

The census collects the following information from local government by waste collection service type (kerbside, vergeside, drop-off etc):

- the types of waste and recycling services provided by local government; and
- the weight of waste
  - collected;
  - sent to landfill; and
  - diverted from landfill.

These data have been collected on a financial year basis using a reporting template. The due date for census returns is 30 September after the relevant financial year. Census data are reviewed and feedback is provided to local governments, as required, before reports received from each local government are finalised. A report containing a summary of the census data is provided to the Minister for Environment annually and is made available on the Waste Authority's website at [www.wasteauthority.wa.gov.au/publications/lg-census-2012-13](http://www.wasteauthority.wa.gov.au/publications/lg-census-2012-13).

A subset of the census data is reported annually to the National Environmental Protection Council under the NEPM-UPM.

#### 1.4.2 Recycling Activity Review

The RAR has been conducted annually since 2005 by consultants engaged by DER on behalf of the Waste Authority. The objective of the RAR is to provide information to support:

- the development of policy and programs;
- the assessment of performance against State Budget key performance indicators; and
- monitoring progress towards the targets in the Western Australian Waste Strategy.

The RAR collects the following information from waste facilities, for each material type received at a recycling facility:

- weight of waste recycled;
- source sector;
- origin of the material; and
- destination of the recycled material.

These data have been collected on a financial year basis using a reporting template. The due date for RAR returns varies but is generally in September. RAR data are reviewed by the consultant with feedback provided to reporting entities before each report submitted is finalised. A report summarising the RAR data is provided to the Minister for Environment annually and is made available on the Waste Authority's website at [www.wasteauthority.wa.gov.au/programs/data/recycling-activity-review/](http://www.wasteauthority.wa.gov.au/programs/data/recycling-activity-review/).

## 1.5 Rationale for Amendments

Voluntary reporting under the census and the RAR has resulted in the acquisition of incomplete data each year because of variable response rates. In 2012–13 approximately one in five organisations identified as being involved in recycling waste did not respond to the RAR survey. Similarly, while over 90 per cent of Western Australian local governments have participated in the census since 2011–2012, participation was previously as low as 25 per cent during the 2008–2009 reporting year. Voluntary reporting also means that reporting entities have a reduced incentive to ensure that they provide accurate data in a timely manner, and significant government resources are required to ensure adequate reporting rates and data quality.

Incomplete and inaccurate data have reduced the effectiveness of assessment of government progress against the Waste Strategy targets and State Budget key performance indicators, including:

- the percentage of municipal solid waste diverted from landfill through recycling compared to the Waste Strategy target in the Perth metropolitan region and major regional centres; and
- the percentage of commercial and industrial waste and construction and demolition waste diverted from landfill through recycling compared to the statewide Waste Strategy target.

Waste stream data for landfills licensed under the EP Act can be collected via the WARR Levy Act through waste levy record-keeping and reporting requirements. Consistent with the scope of the levy, these reporting requirements are applied to waste received at Perth metropolitan landfills and metropolitan waste received at landfills outside the metropolitan area. As a result, most regional landfill operators are not required to report waste stream data to DER. This represents a data gap as landfills outside of the Perth region may receive significant quantities of waste.

More generally, incomplete data prevents accurate benchmarking of waste processing and recycling in Western Australia in comparison with other Australian jurisdictions, and impacts on the compilation of information for national reporting requirements (for example, reporting requirements under the NEPM-UPM).

Improving waste and recycling data will promote well informed and targeted policy and programs, and enhance the effectiveness of Western Australia's Waste Strategy.

## 2. Proposed Data Reporting Requirements

Amendments to the WARR Regulations are proposed to require annual reporting and record-keeping by local governments, waste recyclers and licensees of major regional landfills. This section outlines the intent and framework for the proposed amendments to the regulations including liable entities and the proposed reporting thresholds and requirements.

### 2.1 Liable Entities and Thresholds for Reporting

Under the proposed amendments, the following three entity types will be required to report their waste and recycling data to the Waste Authority:

1. Local governments and regional local governments as defined under the *Local Government Act 1995* that provide waste services. As defined by the WARR Act, waste service means:
  - the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste; or
  - the provision of receptacles for the temporary deposit of waste; or
  - the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste.
2. Licensees<sup>1</sup> and, in the case of premises not licensed under the EP Act, occupiers<sup>2</sup> of premises that sort, treat or process solid waste for the purposes of recycling and/or resource recovery and produce 1,000 or more tonnes of recycled or reprocessed product(s) in a financial year that requires no further processing prior to final use or is exported from Western Australia.
3. Licensees or occupiers of landfill premises that receive 20,000 tonnes of solid waste or more in a financial year and are not required to pay the landfill levy under the WARR Levy Regulations. The WARR Levy Regulations definitions of licensed landfill and landfill premises would apply to these entities. A licensed landfill is defined as a premises specified in category 63, 64 or 65 of the *Environmental Protection Regulations 1987* Schedule 1 in respect of which a licence is held. A landfill premises under the WARR Levy Regulations is defined 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.

Question 1: Are the definitions for liable entities sufficiently clear and understandable for your organisation to determine if it is required to report? If not, what further clarification would be helpful?

The proposed amendments to regulations would exclude radioactive waste, mining spoil, agricultural wastes and industrial wastes where these are generated onsite. These wastes would be excluded from the thresholds above.

Examples of entities that could be captured under the proposed amendments to regulations are provided in Table 2.

<sup>1</sup> A licensee is the holder of a licence under the EP Act and the *Environmental Protection Regulations 1987*.

<sup>2</sup> A person who is in occupation or control of premises, whether or not that person is the owner.

**Table 2: Examples of reporting entities under the proposed amendments**

Industry	Proposed Reporting Entity
<b>Construction &amp; Demolition</b>	A licensee or occupier of a facility that processes more than 1,000 tonnes per annum of concrete and other building materials to produce roadbase and aggregate.
<b>Organics</b>	A licensee or occupier of a facility that accepts and composts more than 1,000 tonnes per annum of organic waste to produce soil conditioner.
<b>Metals</b>	A licensee or occupier of a metal recycling facility that processes scrap metal and produces more than 1,000 tonnes per annum of recycled metal products.  The licensee or occupier of a foundry in Western Australia that processes and produces more than 1,000 tonnes per annum of scrap metal.
<b>Plastics</b>	A licensee or occupier of a facility that processes and produces more than a 1,000 tonnes per annum of recycled plastic.
<b>Material Recovery Facility (MRF)</b>	The licensee or occupier of a material recovery facility that receives, sorts and processes more than 1,000 tonnes per annum of materials for use as a product or for further processing.

## 2.2 Data to be Recorded and Reported

The primary purpose of requiring data collection and reporting is to enable assessment against the Waste Strategy targets and inform the development of policy and programs to meet those targets. The proposed amendments will compel liable entities to provide similar data as that which is currently provided on a voluntary basis.

The data to be recorded and reported will depend on the reporting entity and the waste services that it provides.

### 2.2.1 Local Governments

It is proposed that local governments (including regional local governments) will be required to record and report data against any of the following waste services or waste types that they provide to their residents or other organisations within their local government area:

- kerbside collections, including mixed waste directed to landfill or alternative waste treatment facilities; co-mingled dry recyclables; separated organics or greenwaste; and separated dry recyclables.
- vergeside collections including green waste and hard waste (bulk waste).
- drop-off services, including mixed waste; dry recyclables; green waste; and hard waste.
- public place and special event services, including mixed waste and dry recyclables.
- collection services for commercial premises, including mixed waste directed to landfill or alternative waste treatment facilities; co-mingled dry recyclables; and separated dry recyclables.

For each waste service provided, the proposed data required to be recorded and reported are:

- total weight of waste collected (tonnes);
- total weight of waste sent to landfill (tonnes);

- total weight of waste diverted from landfill (tonnes);
- number and percentage of residential and commercial premises provided with a recycling service;
- participation rate (also called the 'presentation rate');
- if applicable, description of collection container (type, size, colour);
- frequency of collection recycling service;
- for drop-off services, the proportion of waste received from commercial and domestic sources;
- total fees charged for the provision of the recycling service to a premises;
- total cost of providing the recycling service; and
- total weight of recovered waste by material type (tonnes).

### **2.2.2 Licensees or Occupiers of Recycling or Reprocessing Premises**

It is proposed that licensees or occupiers of premises as outlined in section 2.1 will be required to report the following information for the financial year for each type of waste sorted, treated, recycled or recovered at the facility:

- total weight of waste received (tonnes);
- total weight of waste recycled or recovered (tonnes, cubic metres);
- total weight of processing losses (tonnes, cubic metres, percentage of total weight recycled);
- sector source of waste (municipal, commercial and industrial, construction and demolition);
- geographic source of waste (metropolitan, non-metropolitan or imported);
- destination of processed waste or recycled product (final product, further processing in Western Australia, further processing interstate, export overseas); and
- estimated weight of stockpiled waste both processed waste and unprocessed waste stockpiles.

### **2.2.3 Licensees or Occupiers of Landfill Premises Not Required to Pay Levy**

It is proposed that licensees or occupiers of landfill premises as outlined in section 2.1 will be required to record and report the following information for the financial year:

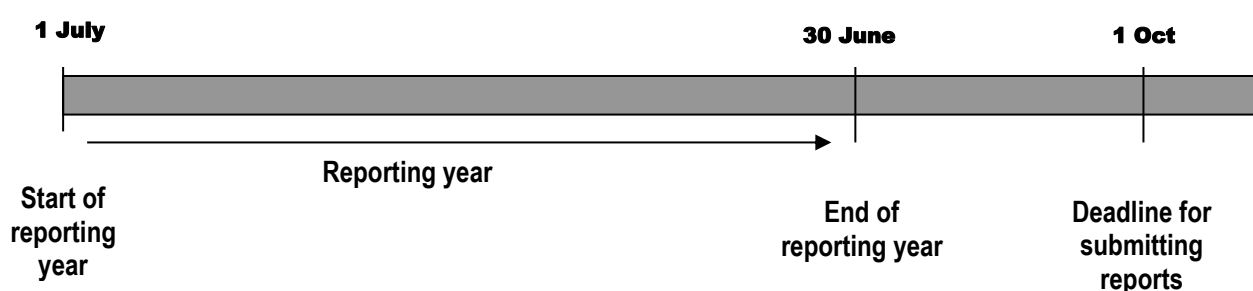
- total weight of waste received and disposed to landfill (tonnes or cubic metres);
- total weight of material removed from the site and the destination of the material (recycling, waste to energy or disposal to landfill);
- total weight of waste (percentage, weight or volume) from each waste source sector (municipal, commercial and industrial, or construction and demolition);
- geographic source of material received (i.e. metropolitan or non-metropolitan);
- total weight of stockpiled processed waste at the start and end of the financial year (tonnes or cubic metres as relevant); and
- total weight of stockpiled unprocessed waste at the start and end of the financial year (tonnes or cubic metres as relevant).

Question 2: Are the indicative reporting requirements sufficiently clear for your organisation to determine what type of information it is required to report? If not, what further clarification is required?  
Question 3: Are there any barriers to the recording or reporting of these types of data for your organisation? If so, what are they?

## 2.3 Proposed Timeframes for Reporting

Reporting will be required on a financial year basis. All reporting entities will be required to report data for the previous financial year by 1 October each year.

For example, data for the financial year 2018-19 would need to be reported by 1 October 2019.



## 2.4 Confidentiality

Confidentiality requirements under section 91 the WARR Act apply to data collected through proposed reporting requirements:

The CEO, an inspector, authorised person or any other person performing functions under this Act must not, directly or indirectly, record, disclose or make use of any information obtained in the course of duty except —

- (a) for the purpose of performing functions under this Act; or
- (b) as required or allowed by this Act or under a written law; or
- (c) with the written consent of the person to whom the information relates.

Penalty: a fine of \$25 000.

Data collected through the proposed reporting requirements may be provided from the Waste Authority to DER where it is consistent with the requirements of sub-sections 91(a) – (c) inclusive.

### 3 Record-keeping Requirements

Liable entities will be required to keep records of waste and recycling data to demonstrate compliance with their reporting obligations.

Reports submitted under the proposed reporting arrangements may be compiled from information accessed from various sources. Reporting entities must keep adequate records of the analyses and calculations for auditing purposes. The reporting entities will be required to use approved methods for calculating and estimating waste and recycling rates.

It is proposed that records must be kept by reporting entities for a period of five years after the reporting year. The following provisions and requirements are proposed for record-keeping:

- Records may be kept on paper or on electronic or other media.
- Records must be in a format which is valid and accessible for five years.
- Records must be complete and include the required information.
- Records must outline the calculation or estimation methods required in accordance with the approved manner.
- Records must provide evidence of the data reporting including receipts, invoices and other payment methods.

### 4 Indicative Methods for Measuring and Estimating Waste and Recycling Data

DER will develop a range of calculation methods, including guidance on direct waste measurement techniques and other estimation methodologies. DER will undertake further consultation with stakeholders on proposed methods for measuring and estimating waste and recycling data. Entities will be required to measure and calculate their waste data for reporting in an approved manner. An approved manner is one that is approved by the Chief Executive Officer (CEO) responsible for the WARR Act.

Reporting requirements are likely to differ across entities (local governments, recyclers/reprocessors and landfill operators) and the waste services provided. For example, while local governments predominantly deal with the municipal solid waste stream, recyclers and landfill operators may deal with multiple waste streams.

#### 4.1 Local Governments

Local governments will be required to obtain data from waste and recycling facilities accepting their waste. This will apply whether the facility is operated by the local government or by a third party provider. Local governments that outsource their waste services will be required to ensure that their contract terms and conditions include the provision of waste and recycling data to address the proposed reporting requirements.

Local governments with access to a weighbridge or that are serviced by a waste service provider with a weighbridge will be required to weigh the amount of waste collected, diverted or disposed at the facility where the waste is delivered.



If a local government or its waste service provider does not have access to a weighbridge or the weighbridge is inoperable (because of breakdown or scheduled maintenance), the weight of each load may be calculated using the volume-estimation method. This method would require each load entering a disposal or processing facility to be assessed for both material type and volume, and then be multiplied by a bulk density value to derive the load's weight.

For local governments with an estimated residential population of fewer than 5,000 people, where the amount of waste collected cannot be directly measured using a weighbridge or through the volume estimation method, there will be provision for alternative measurement and estimation methods. These may include:

- for kerbside services, number of bins collected multiplied by typical weight or typical volume; and/or
- population multiplied by an estimate of per capita waste generation (for other non-kerbside services such as verge-side waste).

Local governments with an estimated residential population of fewer than 1,500 may be able to apply for approval to report a description of the waste services they provide (and not the weight of waste associated with each service).

## **4.2 Licensees or Occupiers of Recycling or Reprocessing Premises**

Licensees or occupiers of recycling or reprocessing premises with access to a weighbridge will be required to weigh compacted waste loads and waste loads of more than three cubic metres in volume.

If there is no weighbridge at the recycling or reprocessing premises, or the weighbridge is inoperable (breakdown or scheduled maintenance), the volume-estimation method may be used to estimate the weight of any waste entering or leaving the premises.

The volume of each load would be assessed and recorded together with the load's material type. Load volumes would then be multiplied by a bulk density value relevant to the waste material type to estimate the weight of each load.

## **4.3 Licensees or Occupiers of Landfill Premises**

Licensees or occupiers of regional landfill premises with access to a weighbridge that receive 20,000 tonnes of solid waste or more in a financial year and are not required to pay the landfill levy will be required to weigh compacted waste loads and waste loads of more than three cubic metres entering and leaving the premises.

If there is no weighbridge at the landfill premises, or the weighbridge is inoperable (breakdown or scheduled maintenance), the volume-estimation method may be used to estimate the weight of any waste entering or leaving the premises.

For each load, an estimate of the volume of the load will be multiplied by a bulk density value relevant to the assessed waste material type to derive the load's weight.

## **4.4 Guidance for Liable Entities under Sections 4.1, 4.2 and 4.3**

DER will prepare further guidance on the categorisation of waste according to standardised waste material categories and the bulk density values. Further guidance will also be developed on circumstances where a bulk density survey is likely to be

required to improve estimation accuracy using the volume-estimation method.

There may be cases where additional studies on the composition of waste or the source of waste are required in order to ensure accurate measurement or estimation of waste; for example, if standard material categories are not used or if the source of the waste (waste-stream and geographic source) cannot be accurately measured and estimated.

## 5 Proposed Offences and Penalties

Record-keeping and reporting of waste and recycling data under the amended WARR Regulations will be a requirement. Reports received by the Waste Authority will be audited and, where appropriate, feedback provided to reporting entities.

An authorised person under the WARR Act may require production of the records held by a reporting entity, including the calculation and estimation methods applied. Failure to provide records when requested by an authorised person within a specific timeframe will be an offence.

Proposed offences and penalties under the proposed amendments are set out in Table 3.

**Table 3: Proposed offences and penalties**

Offences	Penalty
Failure to keep records	\$10,000
Failure to provide records in an approved form (relates to the failure to provide annual records/reports)	\$10,000
Failure to provide/report required information (relates to the failure to provide records when requested by an authorised person as part of an audit process)	\$10,000
Failure to calculate or estimate waste and recycling data according to the approved methods	\$10,000
Providing false or misleading information	\$10,000

## 6 Supporting Resources and Guidance

It is proposed that liable entities will be required to use approved methods for measuring and estimating waste and recycling data as part of reporting and record-keeping requirements. DER intends to develop methods for measurement and calculation, as well as guidance on direct waste measurement techniques and other estimation methodologies. Draft methods will be developed in consultation with stakeholders. The requirement to report data will not commence until the relevant method has been approved.

Question 4: Based on the indicative reporting and data requirements set out above, identify any guidance that is likely to be most useful to your organisation.

## 6.1 Training Workshops and DER Support

DER proposes to hold workshops on record-keeping and reporting requirements and supporting guidance prior to the introduction of proposed amendment regulations.

DER will provide advice to reporting entities on the proposed record-keeping and reporting requirements as part of their commencement.

## 7 Next Steps

Feedback from this consultation process will inform the development of proposed amendments to regulations to give effect to reporting and record keeping for waste and recycling data.

Based on indicative record-keeping requirements and methods for measuring and estimating waste and recycling data set out in this consultation paper, DER is seeking stakeholder feedback on the following key questions:

Question 1: Are the definitions for liable entities sufficiently clear and understandable for your organisation to determine if it is required to report? If not, what further clarification would be helpful?

Question 2: Are the indicative reporting requirements sufficiently clear for your organisation to determine what type of information it is required to report? If not, what further clarification is required?

Question 3: Are there any barriers to the recording or reporting of these types of data for your organisation? If so, what are they?

Question 4: Based on the indicative reporting and data requirements set out in this paper, identify any guidance that is likely to be most useful to your organisation.

## Glossary

**Commercial and industrial waste (C&I waste):** solid waste generated by the business sector, State and Federal Government entities, schools and tertiary institutions.

**Commercial premises services:** commercial premises services are provided by Local Government, generally via commercial arrangements with private companies, to collect waste from commercial premises.

**Construction and demolition waste (C&D waste):** solid waste from residential, civil and commercial construction and demolition activities.

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

**Drop-off services:** drop-off services are generally provided by local governments to residents. They allow for the self-hauling of waste by residents to facilities such as transfer stations, landfills and recycling depots that are operated by local governments. Waste self-hauled in small quantities in cars, utility vehicles and trailers but not generally by trucks. Drop-off services can also be provided in a commercial context but these are not as common.

**Kerbside collection:** domestic kerbside collection services are containerised, regular collection services provided by local government where waste and/or recycling is collected from the kerb of residences.

**Landfill:** a site used for disposal of solid material by burial in the ground that is licensed as a landfill under the *Environmental Protection Act 1986*.

**Landfill levy:** means a levy imposed under the *Waste Avoidance and Resource Recovery Levy Regulations 2008*.

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

**Licensee:** a licensee is the holder of a licence in respect of a facility licensed under Schedule 1 of the *Environmental Protection Regulations 1987*.

**Local Government:** Local government means a local government established under the *Local Government Act 1995*.

**Municipal solid waste (MSW):** solid waste generated from domestic (residential) premises and local government activities.

**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.

**Presentation rate:** this is the percentage of residences that have a collection service that typically put their bin out on collection day. This is useful to understand when conducting bin audits since some residences (particularly single or small residences) may not 'present' their bin for collection every week if it is not full (most common for recycling bins). Also referred to as 'participation rate'.

**Processing losses:** the portion of material not processed into a saleable product because of contaminants or other processing issues.

**Public place services:** public place services are the installation of permanent bins in public places (for example, street litter bins and bins in public parks).

**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.

**Regional Local Governments:** regional local governments are established under the *Local Government Act 1995*.

**Special event services:** special event services include the provision of temporary bins put in place for particular events (for example, bins provided at sporting events).

**Vergeside collection:** vergeside collection services include non-containerised collection services, such as green waste and hard waste (for example, furniture, mattresses and white goods) collections.

**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 service:** waste service, as defined under the *Waste Avoidance and Resource Recovery Act 2007*, means:

- the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste; or
- the provision of receptacles for the temporary deposit of waste; or
- the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste.

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

## References

ASK Waste Management Consultancy Services, 2015. Recycling Activity in Western Australia, 2013-14. Prepared on behalf of the Government of Western Australia. [www.wasteauthority.wa.gov.au/media/files/documents/WA\\_Recycling\\_Activity\\_13\\_14.pdf](http://www.wasteauthority.wa.gov.au/media/files/documents/WA_Recycling_Activity_13_14.pdf)

Waste Authority, 2012. *Western Australian Waste Strategy: "Creating the Right Environment"*, Perth: Government of Western Australia. [www.wasteauthority.wa.gov.au/publications/western-australian-waste-strategy-creating-the-right-environment](http://www.wasteauthority.wa.gov.au/publications/western-australian-waste-strategy-creating-the-right-environment)

Waste Authority, 2014. *Western Australian Waste Authority Business Plan 2014-15*, Perth: Government of Western Australia. [www.wasteauthority.wa.gov.au/publications/business-plan-2014-15](http://www.wasteauthority.wa.gov.au/publications/business-plan-2014-15)

Waste Authority, 2014. *Western Australia Local Government Waste and Recycling Census (as reported by local governments) 2012-2013*, Perth: Government of Western Australia. [www.wasteauthority.wa.gov.au/media/files/documents/LG\\_Census\\_2012-13.pdf](http://www.wasteauthority.wa.gov.au/media/files/documents/LG_Census_2012-13.pdf)

## Legislation Referenced

Copies of the legislation below can be obtained from the State Law Publisher website at [www.slp.wa.gov.au/](http://www.slp.wa.gov.au/)

*Environmental Protection Act 1986*

*Environmental Protection Regulations 1987*

*Environmental Protection (NEPM-UPM) Regulations 2013*

*Local Government Act 1995*

*Waste Avoidance and Resource Recovery Act 2007*

*Waste Avoidance and Resource Recovery Levy Act 2007*

*Waste Avoidance and Resource Recovery Regulations 2008*