



# Fact sheet: Waste data reporting - additional guidance for organics recyclers

## Purpose

The purpose of this fact sheet is to:

- provide additional guidance for persons or companies that recycle organic matter (organics recyclers) and are liable to report waste and recycling data under regulation 18C of the Waste Avoidance and Resource Recovery Regulations 2008 (WARR Regulations)
- clarify the liability of recyclers trading recovered organic material that requires further processing at the point of sale to report waste and recycling data.

## Annual reporting of waste and recycling data

Under regulation 18C of the WARR Regulations, anyone who is a 'liable person' is required to record and report waste and recycling data in an annual return to the Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (the department) in accordance with approved procedures.

## Liable recyclers

Liable persons are defined under regulation 18B of the WARR Regulations. Recyclers should consider the following to determine if they are liable:

- they are the occupiers of premises, whether they hold a licence in respect of the premises or not
- waste that is solid matter (known as 'reportable waste'), is treated, processed or sorted at the premises for the purposes of reprocessing, recycling or energy recovery
- 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 at the premises that:
  - needs no further processing and is ready for use as a production input or a final product; or
  - is to be exported from Western Australia.

For general information about liable recyclers, see the [waste data reporting – liable recyclers](#) fact sheet.

## Liability of organics recyclers at the point of sale

In many cases, a recycler will collect organic waste and carry out initial reprocessing, such as grinding or mulching. This material is then sold to a composter, who mixes it with other materials to transform all the materials into a 'final product'.

A recycler that processes and sells organic material to other organics recyclers for use as a production input is liable to report waste and recycling to the department under the WARR Regulations. At the point of sale (i.e. when the organics recycler sells the processed organic material to the composter), the material sold is 'ready for use as a production input' (such as a compost input).

The composter buying the processed organic material will *not* be required to report it because the material is a production input, not reportable waste. The composter may be required to report other organic waste inputs, if they are used for activities which make the composter a liable person.

The steps to determine whether a recycler is a liable person under the WARR Regulations in cases where it sells recovered organic material that undergoes further processing after the point of sale are shown in the figure below.

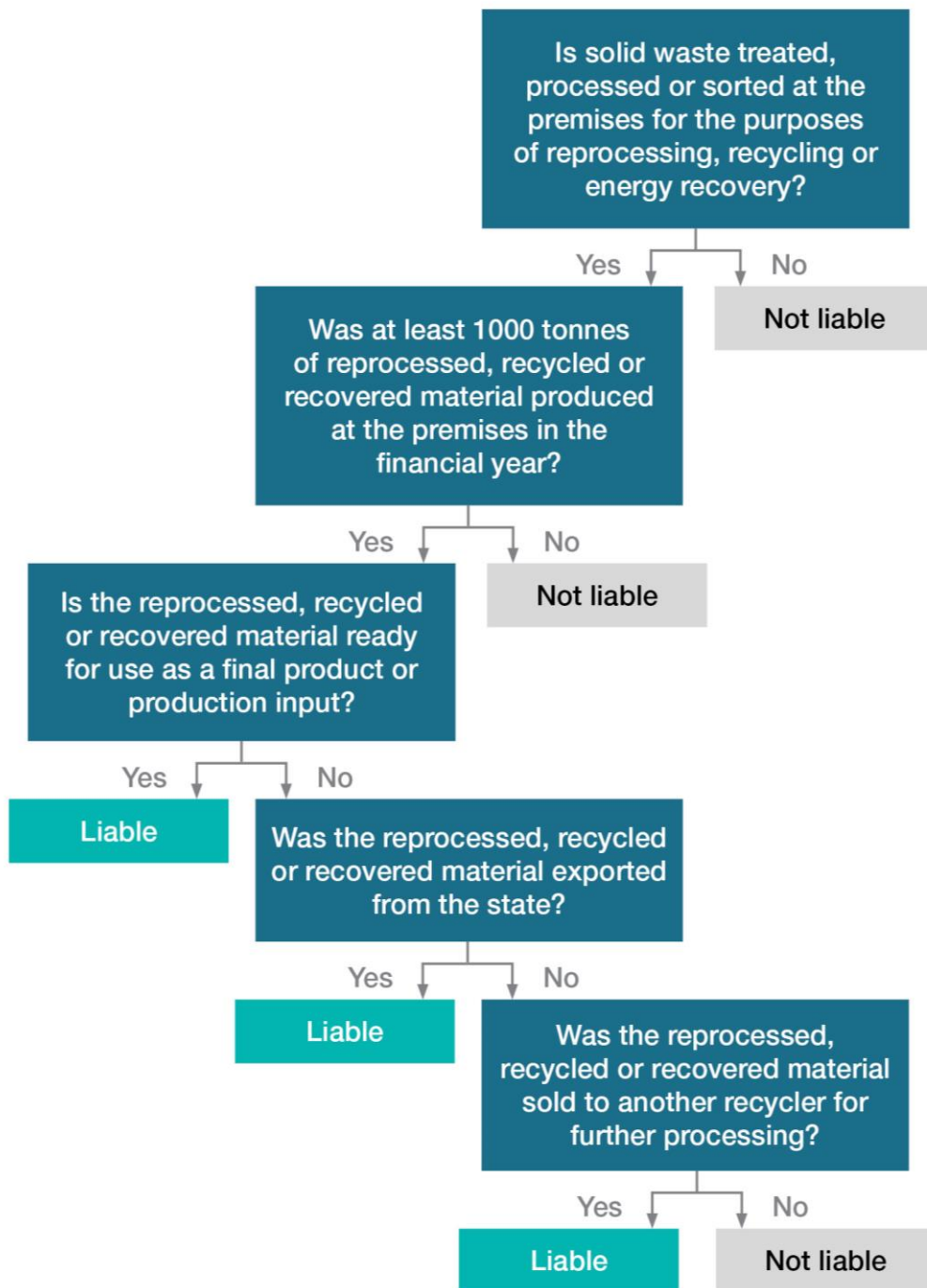


Figure 1 Steps to determine whether an organics recycler is a liable person

### Example case

Organics Recycling Pty Ltd is an organics recycler under a contract to collect municipal garden waste from a local government, the City of Wasteros.

Organics Recycling is paid by the City of Wasteros to chip and shred the garden waste into a raw mulch. This could occur either on the City of Wasteros's premises or on the recycler's premises. As a raw mulch, the

recovered waste is considered a 'production input' which can be combined with other materials to make a final product.

Final Compost Facility buys the raw mulch from Organics Recycling. Final Compost Facility then blends and composts the raw mulch into a final compost product to be sold to consumers, such as residential gardeners.

In this scenario, Organics Recycling is liable to report waste and recycling data to the department under regulation 18C of the WARR Regulations. After the point of sale to Final Compost Facility, the recovered waste becomes a product (refer to the department's fact sheet on [assessing whether material is waste](#)). This means that Final Compost Facility is **not** a liable person, unless it undertakes other activities that meet the definition of liable person under regulation 18B of the WARR Regulations.

## More information

For further information about reporting waste and recycling data under regulation 18C of the WARR Regulations, please email [waste.data@dwer.wa.gov.au](mailto:waste.data@dwer.wa.gov.au).

## Related documents

Visit our page on [waste data reporting under regulation 18C](#).

View our [frequently asked questions](#).

See our [waste data reporting – liable recyclers](#) fact sheet for general information about liable recyclers.

Visit [Waste Data Online](#) to lodge annual returns under regulation 18C to the department.

## Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation. Please refer to the Parliamentary Counsel's Office at the Department of Justice (DoJ) for copies of the relevant legislation, available electronically from the [Western Australian Legislation page](#) of the DoJ website.