



# Fact sheet: Waste data reporting - liable non-metropolitan landfills

## Annual reporting of waste and recycling data

Amendments to the [Waste Avoidance and Resource Recovery Regulations 2008 \(WARR Regulations\)](#) by the insertion of Part 3A – Annual return were gazetted on 28 June 2019. The amended regulations require liable persons to record and report waste and recycling data annually to the Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation in accordance with approved procedures.

The amendments aim to improve the accuracy, timeliness and completeness of waste and recycling data available to stakeholders. Data collected from non-metropolitan landfills will be used to track the state's progress against targets in the [Waste Avoidance and Resource Recovery Strategy 2030](#).

## Liable persons - non-metropolitan landfills

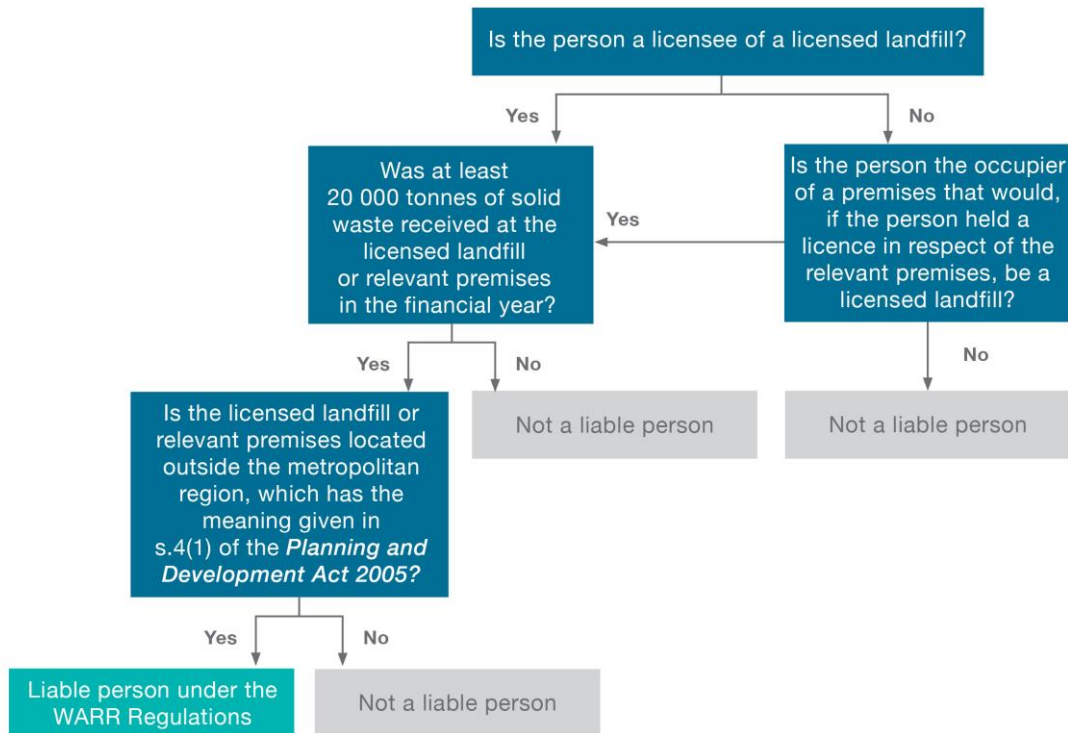
Liable persons for the purposes of Part 3A of the WARR Regulations are defined under regulation 18B. In the case of liable non-metropolitan landfills, licensees<sup>1</sup>, or persons who are the occupier of premises that would, if the person held a licence in respect of the relevant premises be a licensed landfill, must meet two conditions to be a liable persons under regulation 18B(4) for any financial year:

- at least 20 000 tonnes of solid waste was received at the premises in the financial year
- the premises is located outside the metropolitan region, as defined by section 4(1) of the *Planning and Development Act 2005*.

The steps in determining if a licensed landfill or a relevant premises is a liable non-metropolitan landfill under Part 3A of the WARR Regulations are shown in the figure below.

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<sup>1</sup> A 'licensee' under Part 3A of the WARR Regulations is defined to mean the holder of a licence in respect of a licensed landfill in regulation 18A of the WARR Regulations. Regulation 18A also defines a 'licensed landfill' to mean premises specified in category 63, 64 or 65 of the Environmental Protection Regulations 1987 Schedule 1 in respect of which a licence is held.



## Determining liability for non-metropolitan landfills

### Threshold determined by waste received

The amount of solid waste<sup>2</sup> received at the licensed landfill or relevant premises should be used to determine if the threshold of 20 000 tonnes has been met. Waste generated at the premises and subsequently disposed does not need to be considered.

An example is: A premises located outside the metropolitan region is licensed to process material for the purpose of cement manufacturing (categories 12 and 43). It is also licensed as a category 63 landfill and disposes of more than 20 000 tonnes of waste generated from its onsite processes in a financial year. The licensee of the premises for the purposes of operating the landfill is not a liable person because the waste was not received at the premises.

### Multiple categories of liable persons

Dependent on the activities of particular local governments and/or premises, liable persons may be subject to waste-data recording and reporting requirements in Part 3A of the WARR Regulations under more than one

<sup>2</sup> Under Part 3A of the WARR Regulations, 'reportable waste' means waste that is solid matter.

category (local government, recycler, non-metropolitan landfill) of liable person.

Licensees and occupiers of non-metropolitan landfills who are liable persons should determine if they are also liable as a local government or a recycler under regulations 18B(2) or 18B(3) of the WARR Regulations respectively.

## Requirements of liable non-metropolitan landfills

### Information required to be reported

Liable non-metropolitan landfills should familiarise themselves with the information required to be reported in the annual return under regulations 18C and 18D of the WARR Regulations.

The information required to be reported by liable non-metropolitan landfills has been gazetted by the CEO under regulation 18D(1) of the WARR Regulations (CEO Notice). The CEO Notice describes the information required to be reported, and the procedures to be followed in reporting that information. This includes the information listed in regulation 18D(4). For the CEO Notice for liable non-metropolitan landfills, refer to [Waste Avoidance and Resource Recovery Regulations 2008](#).

### Waste from primary industries

Solid waste generated from primary production and received for disposal at liable non-metropolitan landfills is required to be recorded and reported. Further guidance about reporting these waste types is available in the supporting Frequently Asked Questions.

### Record keeping

Liable non-metropolitan landfills must begin record keeping in a manner that is consistent with the approved procedures in the CEO Notice as soon as practicable under regulation 18D(1)(b)(i) of the WARR Regulations.

Liable non-metropolitan landfills must keep any record used for reporting the required information in the annual return for a period of at least five years under regulation 18D(5) of the WARR Regulations. The records must be kept in a legible written form, or be readily convertible into such a form. The CEO Notice gives a detailed description of the procedures to be followed in making those records.

## **Inform the CEO**

Liable non-metropolitan landfills are required to inform the CEO that they are a liable person in an approved form under regulation 18B(5) of the WARR Regulations. The department is developing the approved form and will provide further information on this before 30 June 2020.

## **Annual return**

Liable non-metropolitan landfills are required to submit an annual return to the department in accordance with the relevant CEO Notice under regulation 18C of the WARR Regulations. The reporting period begins on 1 July and ends on 30 June with reports due to the department by 1 October in the following reporting period.

The department is developing an approved form of online reporting for the lodgement of the annual return. Further information will be provided on the online reporting system before 30 June 2020.

## **Offences**

There are a number of offences provided for under regulation 18E of the WARR Regulations for non-reporting, failing to keep legible records and reporting or recording false or misleading information, carrying fines of \$10 000.

## **Liable non-metropolitan landfills receiving waste subject to the waste levy**

Liable non-metropolitan landfills receiving reportable waste subject to the waste levy must calculate their levy liability and keep records in a manner consistent with the requirements under the Waste Avoidance and Resource Recovery Levy Regulations 2008 and Part 3A of the WARR Regulations.

## More information

For further information about reporting waste and recycling data please email [waste.data@dwer.wa.gov.au](mailto:waste.data@dwer.wa.gov.au) or phone 08 6364 6954.

## Related documents

Visit our page on [waste](#)

See our [legislative review and amendments](#) page

Visit our online [consultation](#) page

View our [Frequently Asked Questions](#) section

[\*Fact sheet: Waste data reporting – local governments\*](#)

[\*Fact sheet: Waste data reporting – liable recyclers\*](#)

## 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.