



Fact sheet: Waste data reporting - liable recyclers

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 in an annual return 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.

For recyclers, the annual return will replace the annual voluntary [Recycling Activity Survey](#) from 2020. Further, the waste and recycling data collected from liable recyclers will be used to track the State's progress against targets in the [Waste Avoidance and Resource Recovery Strategy 2030](#).

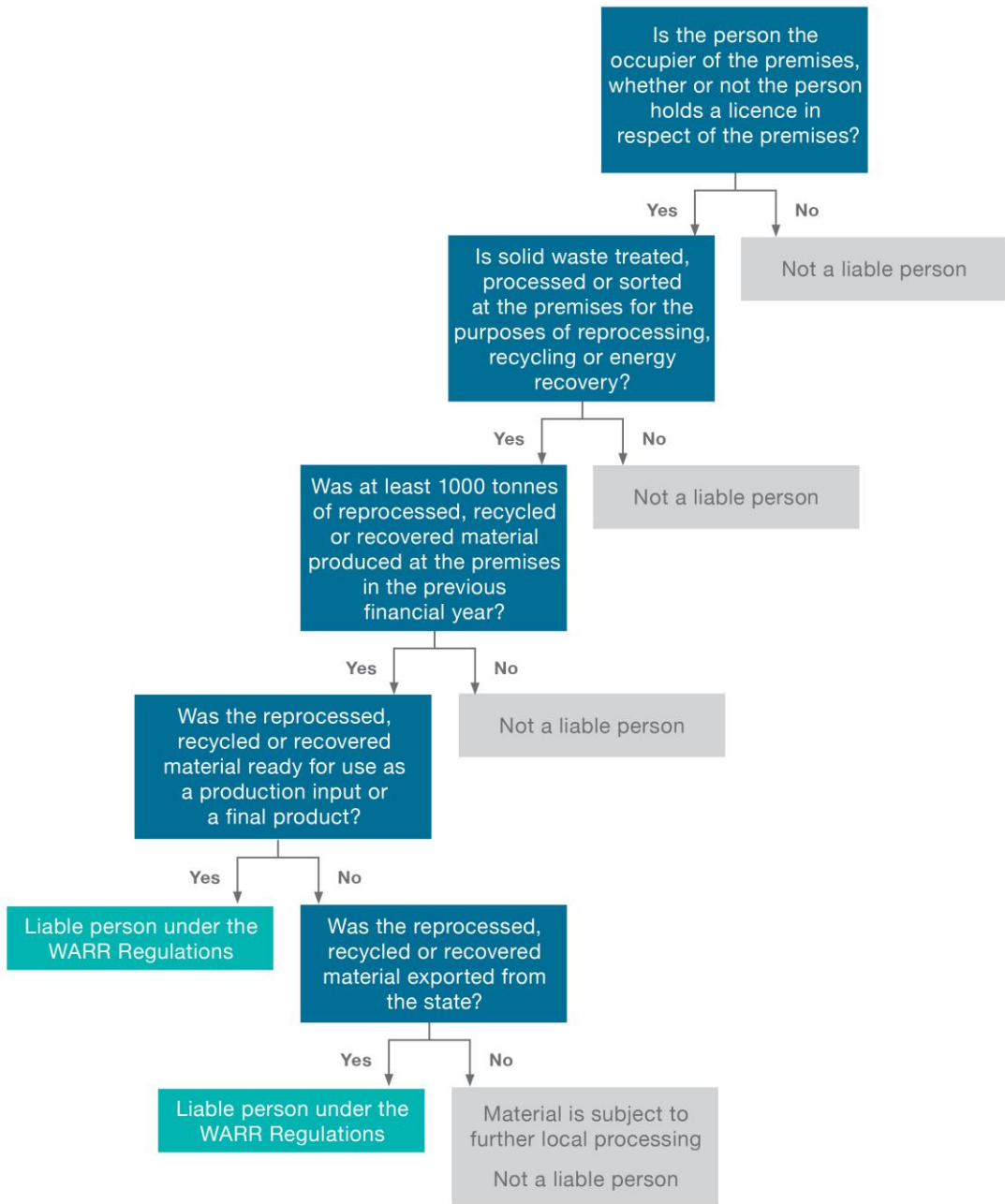
Liable persons - recyclers

Liable persons for the purposes of Part 3A of the WARR Regulations are defined under regulation 18B. Recyclers must consider several factors to determine if they are a liable person under regulation 18B(3) for any financial year, namely whether:

- they are the occupiers of premises, whether or not the person holds a licence in respect of the premises
- reportable waste, being solid waste,¹ 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 the state.

The steps to determine whether a recycler is a liable person under Part 3A of the WARR Regulations are shown in the figure below.

¹ Under Part 3A of the WARR Regulations, 'reportable waste' means waste that is solid matter.



Examples of liable recyclers include:

- licensee of a premises that holds a category 13 licence and processes more than 1000 tonnes of building material² in a financial year
- occupier of a material recovery facility that sorts and bales more than 1000 tonnes of recyclable material in a financial year that is exported from the state for recycling.

An example of a recycler that is not a liable person is an occupier of a premises that receives and sorts more than 1000 tonnes of scrap metal that then leaves the premises for further processing by another local scrap metal processor before export.

Charitable recyclers

Activities such as the sorting and sale of unwanted items by charitable recyclers and op shops are not required to be reported under the WARR Regulations. However, if a charitable recycler is undertaking other activities that meet the definition of a liable recycler, they will be required to report.

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

Liable recyclers should determine if they are also liable as a local government or a non-metropolitan landfill under regulations 18B(2) or 18B(4) of the WARR Regulations.

Requirements of liable recyclers

Information required to be reported

Liable recyclers 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 recyclers has been gazetted by the CEO under regulation 18D(1) of the WARR Regulations (CEO Notice).

² Appendix A to the CEO Notice 'Approved procedure for estimation/calculation of annual return information methods by recycling and reprocessing facilities required under the Waste Avoidance and Resource Recovery Regulations 2008' details the reportable waste material categories.

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 recyclers, refer to [Waste Avoidance and Resource Recovery Regulations 2008](#).

The annual recycling activity survey

The annual return will replace the voluntary, annual [Recycling Activity Survey](#). The information required to be reported in the annual return aims to replicate the information requested in the annual recycling activity survey.

Recycled waste from primary industries

There is no intent to capture waste from primary industries that is recycled in situ. For example, in situ forestry mulching is not required to be reported.

Default values in the approved procedures

Recycling premises should use facility-specific data to estimate the weight of waste, where this information is available. The approved procedures provide default values for use when facility-specific data is not available.

Record keeping

Liable recyclers 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 recyclers 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 form³. The CEO Notice details the procedures to be followed in making those records.

Inform the CEO

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

Annual return

Liable recyclers are required to submit an annual return to DWER in accordance with the relevant CEO Notice. The reporting period begins on 1 July and ends on 30 June with reports due to DWER by 1 October in the following reporting period.

³ See regulation 18D(5) of the WARR Regulations.

DWER 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.

More information

For further information about reporting waste and recycling data please email 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 – non-metropolitan landfills*](#)

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.