



Fact sheet: Waste data reporting - local governments

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 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. For local governments, annual returns will replace the annual [census of local government waste and recycling services](#) (waste census) from 2020. Further, the waste and recycling data collected from local governments will be used to track the State's progress against targets in the [Waste Avoidance and Resource Recovery Strategy 2030](#).

All local governments are liable persons

All Western Australian local governments and regional local governments¹ that provide waste services are liable for reporting and recording waste and recycling data under the WARR Regulations.

¹ The definition in section 3(1) of the *Waste Avoidance and Resource Recovery Act 2007* of 'local government' to include 'a regional local government established for the purpose of providing waste services' applies to the Waste Avoidance and Resource Recovery Regulations 2008 by virtue of section 44(1) of the *Interpretation Act 1984*, which states:

'Words and expressions used in subsidiary legislation shall have the same respective meanings as in the written law under which the subsidiary legislation is made.'

A 'regional local government' is established under section 3.61 of the *Local Government Act 1995*, which provides in section 3.61(1):

'Two or more local governments (referred to in this Division as the participants) may, with the Minister's approval, establish a regional local government to do things, for the participants, for any purpose for which a local government can do things under this Act or any other Act.'

Multiple categories of liable persons

Dependent on the activities of particular local governments, a local government may also 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.

Local governments should determine if they are also liable as a recycler and/or non-metropolitan landfill under regulations 18B(3) or 18B(4) respectively.

Requirements of local governments

Information required to be reported

Local governments 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 local governments 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 local governments, refer to the [Waste Avoidance and Resource Regulations 2008](#).

Comparison to the waste census

The annual returns required by Part 3A of the WARR Regulations will replace the [waste census](#) from 2020. The information required to be reported in the annual returns is detailed in items 1 to 3 under 'Information required for the annual return – regulations 18C and 18D' in the CEO Notice pertaining to local governments. Items 1 to 3 replicate information requested in the waste census.

Local governments will have the same or reduced reporting under the WARR Regulations when compared with the waste census.

Special provisions for non-metropolitan local governments with populations of less than 5000 or 1500

The department acknowledges that smaller local governments outside the metropolitan region² may not have the resources or capability to report in

² Section 4(1) of the *Planning and Development Act 2005* defines 'metropolitan region' to mean the region described in Schedule 3 to that Act.

accordance with the approved methods. If this is the case, non-metropolitan local governments with populations of less than 5000 or 1500 can access the reduced record keeping and reporting requirements outlined in clauses 8 and 9 of the Approved procedure for estimation/calculation of annual return information by local governments required under the Waste Avoidance and Resource Recovery Regulations 2008 (Attachment 1 to the CEO Notice).

The population of a local government will be determined as the Estimated Resident Population (ERP) in the latest release of [ABS catalogue 3218.0 – Regional Population Growth](#) at 30 June of the year the return is due. The ERP for each local government will be provided in the approved form used for lodging the annual return.

Record keeping

Local governments must commence 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.

Local governments 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 local governments 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

Local governments 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.

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 – liable non-metropolitan landfills*](#)

[*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.