



Exemptions from the landfill levy

Overview

The *Waste Avoidance and Resource Recovery Levy Act 2007* provides for a landfill levy to be applied to waste received at metropolitan landfills and metropolitan waste received at landfills outside the metropolitan area.

The landfill levy is intended to discourage waste disposal to landfill and to encourage resource recovery.

The *Waste Avoidance and Resource Recovery Levy Regulations 2008*, subject to certain exemptions under regulation 5, apply to:

- all waste received at landfill premises in the metropolitan region on or after 1 July 2008; and
- all waste collected within the metropolitan region, irrespective of when it is collected, and received at landfill premises outside the metropolitan region on or after 1 July 2008; and
- return periods commencing on or after 1 July 2008.

What are the exemptions from the regulations?

Under regulation 5 (1), (2) and (3):

- (1) A licensee may by application in an approved form claim an exemption from these regulations for the following waste received at a licensed landfill in any return period —
- (a) uncontaminated soil or other clean fill that —
 - (i) is, or is to be, used after the completion of landfill operations

- to cover, to a depth of up to 500 mm, waste disposed of on the premises; and
- (ii) was accepted by the licensee at no charge;
- (b) waste that is not disposed of to landfill but is collected and stored at a licensed landfill for re-use, reprocessing, recycling or use in energy recovery;
- (c) waste reasonably removed from an orphan site as defined in the *Contaminated Sites Act 2003* section 32 by a public authority to mitigate or prevent a risk of harm to human health or the environment;
- (d) hazardous waste reasonably removed by a public authority;
- (e) waste resulting from storm, fire, flood or other natural disaster that cannot reasonably be re-used, reprocessed, recycled or used in energy recovery;
- (f) waste that —
 - (i) is deposited on a shoreline by the action of water; and
 - (ii) is reasonably removed from the shoreline by a public authority to mitigate or prevent a risk of harm to human health or the environment; and
 - (iii) cannot reasonably be re-used, reprocessed, recycled or used in energy recovery;
- (g) waste used for construction or maintenance work carried out on the licensed landfill if —
 - (i) the amount of waste is specified in advance in a plan prepared by

- a registered builder or an engineer; and
- (ii) no charge is made by the licensee for accepting the waste;
- (h) waste used for cover on the licensed landfill if —
- (i) a closure notice has been given in respect of the licensed landfill under the Environmental Protection Act 1986 section 68A(2); and
- (ii) the waste is used as required by the closure notice.
- (2) A licensee may by application in the approved form claim an exemption from the requirement under regulation 8 to weigh waste on a weighbridge.
- (3) A licensee of a category 63 licensed landfill may by application in an approved form claim an exemption from the requirements of regulation 10(5) and (6) in respect of a return period if no waste has been disposed of to landfill on the licensed landfill.

How do I apply for an exemption?

Landfill licensees must apply to the Department of Environment Regulation for an exemption using a form approved by the Chief Executive Officer (CEO).

Licensees need to complete and submit the relevant form including any supporting information. An exemption will not be granted if the approved form is incomplete.

For more information on approved forms refer to www.der.wa.gov.au/landfilllevy.

To avoid landfill levy liability, exemptions should be in place prior to 28 days after the end of the return period.

Completed and signed forms should be addressed to the Senior Manager, Environmental Compliance and submitted:

by post to:

Department of Environment Regulation
Senior Manager, Environmental Compliance
Locked Bag 33 Cloisters Square
PERTH WA 6850

OR

in person or by courier to:

Reception
Department of Environment Regulation
Level 4, 168 St Georges Terrace
Perth

Licensees are advised to retain a copy of the completed forms for their records.

Approval or refusal of an application

According to regulation 5 (4):

The CEO may, by written notice —

- (a) grant, or refuse to grant, an exemption; or
- (b) grant an exemption subject to conditions, or limited to circumstances, specified in the notice; or
- (c) revoke an exemption.

The CEO, or delegate appointed under s 92(2) of the *Waste Avoidance and Resource Recovery Levy Act 2007*, will provide written notice of the decision.

If an exemption is granted, an exemption notice outlining the decision and conditions of the exemption will be issued to the licensee.

The licensee is required to meet all the conditions in the exemption notice. If a condition is breached, the exemption ceases to have effect.

The exemption, if granted, applies to the period as stated in the notice.

Review of exemption application decision

According to regulation 6:

- (1) A person aggrieved by a reviewable decision may apply to the State Administrative Tribunal for a review of the decision.
- (2) In subregulation (1) —
 - reviewable decision** means a decision —
 - (a) to refuse to grant an exemption under regulation 5; or
 - (b) to impose conditions or limitations upon the grant of an exemption under regulation 5.

Contact information for State Administrative Tribunal is:

Street address:

12 St Georges Terrace
PERTH WA 6000

Postal address:

GPO Box U1991
PERTH WA 6845

Other contact details:

Telephone: 08 9219 3111

Toll-free: 1300 306 017

Facsimile: 08 9325 5099

Website: www.sat.justice.wa.gov.au

More information

For assistance with completing exemption application forms, information on exemptions more generally, or waste management matters, please contact the Department on: (08) 6467 5000.

This document is available in alternative formats and other languages on request.

Related documents

Approved exemption application forms are available online from www.der.wa.gov.au/landfilllevy.

Additional publications relating to waste management are available online from:

- www.der.wa.gov.au;
- www.wasteauthority.wa.gov.au; or
- by contacting the Department on 6467 5000.

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 *Waste Avoidance and Resource Recovery Levy Regulations 2008*, the *Waste Avoidance and Resource Recovery Act 2007*, and the *Waste Avoidance and Resource Recovery Levy Act 2007*, available from the State Law Publisher. Free electronic copies are available from www.slp.wa.gov.au.

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Legal advice

The information provided to you by DER in relation to this matter does not constitute legal advice. Due to the range of legal issues potentially involved in this matter, DER recommends that you obtain independent legal advice.