

EV302*

Waste Avoidance and Resource Recovery Act 2007
Waste Avoidance and Resource Recovery Levy Act 2007

Waste Avoidance and Resource Recovery Levy Amendment Regulations 2016

Made by the Governor in Executive Council on the recommendation of the Minister.

1. Citation

These regulations are the *Waste Avoidance and Resource Recovery Levy Amendment Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Waste Avoidance and Resource Recovery Levy Regulations 2008*.

4. Regulation 3 amended

In regulation 3(1) insert in alphabetical order:

metropolitan region has the meaning given in the *Planning and Development Act 2005* section 4(1);

5. Regulation 4 amended

Delete regulation 4(2).

6. Regulation 5 amended

In regulation 5(3) after “category 63 licensed landfill” insert:

in the metropolitan region

7. Regulation 8 replaced

Delete regulation 8 and insert:

8. Category 64 or 65 licensed landfill with weighbridge

- (1) The application of this regulation to a licensee is subject to any exemption granted on application under regulation 5(2) from the requirement under this regulation to weigh waste on a weighbridge.
- (2) Waste that is received at a category 64 or 65 licensed landfill with a weighbridge, for disposal to landfill, is to be weighed on the weighbridge at the time of delivery.
- (3) The weight of the waste as shown at the weighbridge, less the weight of any portion of that waste for which an exemption granted on application under regulation 5(1) is in effect, is to be the weight used for the purpose of determining the amount of the levy under regulation 12(2).
- (4) If waste that is received at a category 64 or 65 licensed landfill with a weighbridge, for disposal to landfill, is not weighed on the weighbridge at the time of delivery, the CEO may estimate the weight of that waste and the estimated weight is to be the weight used for the purpose of determining the amount of the levy under regulation 12(2).
- (5) The CEO must give written notice to the licensee of any estimation made under subregulation (4).

8. Regulation 9 amended

- (1) In regulation 9(1) delete “when waste is received at the licensed landfill, the licensee is to estimate the weight of that waste in the approved manner, and the estimated weight is to be the weight that is used for the purpose of determining the amount of the levy under regulation 12.” and insert:

and waste is received at the licensed landfill, the licensee is to estimate, in the approved manner, the weight of that waste disposed of to landfill during any return period.

- (2) After regulation 9(1) insert:
 - (2A) If waste is received at a licensed landfill referred to in subregulation (1)(a) or (b) and disposed of to landfill during a return period, the licensee of the landfill is to estimate, in the approved manner, the weight of any portion of that waste for which an exemption granted on application under regulation 5(1) is in effect.

- (2B) The weight of waste estimated under subregulation (1), less the weight of exempt waste estimated under subregulation (2A), is to be the weight used for the purpose of determining the amount of the levy under regulation 12(2).
 - (2C) If a licensee does not estimate the weight of waste in accordance with subregulation (1) for a return period, the CEO may estimate the weight of that waste and the estimated weight is to be the weight used for the purpose of determining the amount of the levy under regulation 12(2).
- (3) In regulation 9(2) delete “regulation 12.” and insert:

regulation 12(2).
 - (4) In regulation 9(3) delete “licensed landfill.” and insert:

premises.
 - (5) After regulation 9(3) insert:
 - (4) The CEO must give written notice to the licensee of any estimation made under subregulation (2C).
 - (5) The CEO must give written notice to the occupier of the premises of any estimation made under subregulation (2).

Note: The heading to amended regulation 9 is to read:
Other category 64 or 65 landfill premises

9. Regulation 10 amended

- (1) In regulation 10(2):
 - (a) after “licensed landfill” insert:

in the metropolitan region
 - (b) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:
- (2) In regulation 10(5) after “licensed landfill” insert:

in the metropolitan region

- (3) In regulation 10(6) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

- (4) Delete regulation 10(8) and insert:

(8) If waste is received at a category 63 licensed landfill in the metropolitan region and disposed of to landfill during a return period, the licensee of the landfill is to estimate, in the approved manner, the number of cubic metres of any portion of that waste for which an exemption granted on application under regulation 5(1) is in effect.

(9) The volume of waste calculated by the surveyor under subregulation (7), less the volume of exempt waste estimated under subregulation (8), is to be the volume used for the purpose of determining the amount of the levy under regulation 12(1).

Note: The heading to amended regulation 10 is to read:

Category 63 licensed landfills in metropolitan region

10. Regulation 11 amended

- (1) In regulation 11(1) and (2) after “licensed landfill” insert:

in the metropolitan region

- (2) After regulation 11(2) insert:

(3A) The volume of waste estimated under subregulation (2) is to be the volume used for the purpose of determining the amount of the levy under regulation 12(1).

- (3) In regulation 11(3) delete “given” and insert:

give

- (4) In regulation 11(4):

(a) delete “premises —” and insert:

premises in the metropolitan region —

(b) delete “regulation 12.” and insert:

regulation 12(1).

- (5) In regulation 11(5) delete “licensed landfill.” and insert:

landfill premises.

- (6) Delete regulation 11(6) and (7).

Note: The heading to amended regulation 11 is to read:

CEO estimates for certain category 63 premises in metropolitan region

11. Regulations 12A, 12B and 12C inserted

After regulation 11 insert:

12A. Category 63 licensed landfills outside metropolitan region

- (1) In this regulation —
waste means waste collected within the metropolitan region irrespective of when it is collected.
- (2) If waste is received at a category 63 licensed landfill outside the metropolitan region and disposed of to landfill during a return period, the licensee of the landfill —
- (a) is to estimate, in the approved manner, the number of cubic metres of that waste; and
 - (b) is to estimate, in the approved manner, the number of cubic metres of any portion of that waste for which an exemption granted on application under regulation 5(1) is in effect.
- (3) The volume of waste estimated under subregulation (2)(a), less the volume of exempt waste estimated under subregulation (2)(b), is to be the volume used for the purpose of determining the amount of the levy under regulation 12(1).
- (4) If a licensee does not estimate the number of cubic metres of waste in accordance with subregulation (2)(a) for a return period, the CEO may estimate the number of cubic metres of that waste for the return period and the estimated volume is to be the volume used for the purpose of determining the amount of the levy under regulation 12(1).
- (5) For the purposes of subregulation (4) the CEO may cause a survey of the kind referred to in

regulation 10(2)(a) or (5) to be conducted in respect of the landfill premises.

- (6) The CEO must give written notice to the licensee of any estimation made under subregulation (4).

12B. Category 63 unlicensed landfills outside metropolitan region

- (1) In this regulation —
unlicensed premises means premises —
 - (a) in respect of which the occupier does not hold a licence as required under the EP Act; and
 - (b) that would, if the occupier of the premises held a licence as required under the EP Act, be a category 63 licensed landfill;

waste means waste collected within the metropolitan region irrespective of when it is collected.

- (2) If waste is received at unlicensed premises outside the metropolitan region and disposed of to landfill during a return period, the CEO may estimate the number of cubic metres of that waste and that number is to be used for the purpose of determining the amount of the levy under regulation 12(1).
- (3) For the purposes of subregulation (2) the CEO may cause a survey of the kind referred to in regulation 10(2)(a) or (5) to be conducted in respect of the landfill premises.
- (4) The CEO must give written notice to the occupier of the premises of any estimation made under subregulation (2).

12C. CEO's costs recoverable

- (1) The costs incurred by the CEO under regulation 8(4), 9(2C) or (2), 11(1), (2) or (4), 12A(4) or 12B(2) for the purpose of determining the amount of levy payable by a person under regulation 12(1) or (2) may be included in the amount of levy payable by that person and, if so included, are recoverable accordingly.
- (2) The CEO may call on or use the financial assurance provided by the licensee under the *Waste Avoidance and Resource Recovery Regulations 2008* regulation 15 to cover any costs incurred under regulation 8(4), 9(2C), 11(1) or (2) or 12A(4) that are included in the amount of levy payable by a person.

12. Regulation 12 amended

- (1) In regulation 12(1) in the description of the variable “V” delete “in accordance with regulation 10 or estimated under regulation 11(2) or (4); and” and insert:

or estimated in accordance with regulation 10, 11, 12A or 12B;
and

- (2) In regulation 12(2) in the description of the variable “W” after “determined” insert:

or estimated

Recommended

Minister for Environment.

K. H. ANDREWS, Clerk of the Executive Council.
