



Government of **Western Australia**  
Department of **Water and Environmental Regulation**

## Consultation summary report

Mandatory use of weighbridges by landfill premises to  
calculate leviable waste

Department of Water and Environmental Regulation  
September 2020

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September 2020

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# Contents

Contents .....	iii
1 Executive summary .....	1
2 Context .....	4
2.1 Waste legislative framework .....	4
2.2 Current waste measurement approaches .....	4
2.3 Other reforms .....	5
3 Submissions and responses .....	6
3.1 Option 1: No change (status quo) .....	6
3.2 Option 2: Liable landfill premises must install a weighbridge onsite with levy calculated based on tonnes .....	9
3.3 Option 3: Waste that is to be disposed of to landfill, or received at liable landfill premises, must be weighed on a weighbridge with levy calculation based on tonnes ....	19
3.4 Other matters .....	25
4 Preferred approach and next steps .....	28
5 Appendices .....	30
Appendix A – Submissions received .....	30



# 1 Executive summary

Released in February 2019, the [Waste Avoidance and Resource Recovery Strategy 2030](#) (Waste Strategy) seeks to improve waste services, waste avoidance and resource recovery in Western Australia (WA). The Waste Strategy sets targets for waste reduction, resource recovery and the diversion of waste from landfill – supporting WA's transition to a sustainable, low-waste, circular economy.

The Waste Strategy notes the importance of the waste levy in driving reduced waste generation, and as a disincentive to dispose of waste to landfill.

Generally, the waste levy applies to specific licensed landfills that receive waste for disposal in the Perth metropolitan area, or where Perth metropolitan waste is received for disposal in regional areas. The waste levy increases the cost of landfill disposal, which can create a financial incentive to avoid landfill disposal of waste.

Aside from its value as a financial incentive to support waste diversion, the levy also generates funds for a range of environmental and waste reduction purposes.

Improvements in waste data to address accuracy issues is also a headline strategy in the Waste Strategy. Improved data collection and analysis will better enable the measurement and evaluation of waste management programs and initiatives and support the effective implementation of the waste levy.

The consultation paper [Mandatory use of weighbridges by landfill premises to calculate leviable waste](#) was released by the Department of Water and Environmental Regulation (the department) on 1 May 2019 for a 12-week comment period. The paper builds on waste reform proposals outlined in the [Waste reform project: Proposed approaches for legislative reform](#) (released in 2017) which discussed options for mandatory weighbridges.

In summary, the 2019 consultation paper outlines legislative options under the *Waste Avoidance and Resource Recovery Levy Regulations 2008* (WARR Levy Regulations) to require the use of weighbridges at specific licensed landfills to improve the measurement of leviable waste:

- **Option 1** – No changes (status quo). The existing methods to calculate waste levy liability remain.
- **Option 2** – Liable landfill premises must install a weighbridge onsite to weigh leviable waste, based on tonnes.
- **Option 3** – Waste that is to be disposed of to landfill or received at liable landfill premises, must be weighed on a weighbridge (either onsite or by a third party weighbridge) with levy calculation based on tonnes.

A total of 13 submissions were received during the 12-week public consultation period (Appendix A). To further support the consultation process, the department hosted a stakeholder workshop in March 2020 for local government and landfill operators to gather additional views on the proposals.

The consultation process has indicated there are material issues with current legislative requirements for calculating leviable waste and levy liability.

Under the WARR Levy Regulations, licensed landfills can be required to use different estimation and measurement approaches for calculating their leviable waste. This

can lead to discrepancies in the measurement of waste and also potential inequitable approaches between landfills.

There are identifiable issues with volumetric survey methods and the Chief Executive Officer's (CEO) "[approved manner for estimating waste volume or weight received at and disposed of to landfill](#)" (CEO approved manner).<sup>1</sup> Volumetric survey methods are complex, difficult to verify and can be inaccurately calculated. Separately, the CEO approved manner 'vehicle type method' relies on assumptions about full and exempt waste loads that cannot be accurately or consistently accounted for.

During consultation, most submissions indicated support for Option 1 – maintaining the status quo and existing waste measurement requirements under the WARR Levy Regulations. This was despite stakeholder feedback that highlighted the shortcomings of current waste measurement requirements.

There was less support for Option 2, which requires the use of mandatory weighbridges at licensed landfills receiving leviable waste. Respondents indicated this option could improve the accuracy of data and support consistent approaches. However, there was also feedback on the costs of installing a weighbridge and the financial impacts for industry and local governments.

There was minimal support for Option 3 – the proposed use of third party weighbridges to measure leviable waste. Respondents highlighted perceived impracticalities with the approach, difficulties with enforcement, and potential opportunities for levy avoidance.

After reviewing the collective feedback, the preferred legislative approach to improve waste measurement of leviable waste is Option 2, with CEO exemptions to address exceptional circumstances. Licensed landfill facilities that are required to pay the waste levy will need to install and use a weighbridge to measure their waste.

Although Option 1 received more support, the consultation feedback indicated the current measurement requirements were potentially inaccurate and could be manipulated for levy avoidance.

A recent audit also indicated that of the 17 landfills paying the waste levy to the department, 15 have installed a weighbridge. Consequently, it is anticipated the requirements may have minimal impact for many licensed landfills that are paying the levy.

Option 2 will also address key actions under the Waste Strategy and will support accurate and consistent measurement of waste. To ensure there is effective implementation of this approach, new offences are proposed to deter non-compliance.

To provide a suitable timeframe for implementation, it is recommended that the requirements for weighbridges become mandatory 18 months after the amendments come into operation.

To ensure there is legislative alignment, it is intended that the proposed requirements for mandatory weighbridges under Option 2 will be progressed alongside other

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<sup>1</sup> The approved manner refers to the manner of estimation of the volume or weight of waste as approved in writing by the CEO of the Department of Water and Environmental Regulation (the department's Director General), as required by regulation 3 of the WARR Levy Regulations.

departmental waste reform projects, including proposals in the [Closing the loop: Waste reforms for a circular economy](#) and the [Review of the waste levy](#) consultation papers.

The department thanks all respondents for taking part in this consultation process.

## 2 Context

### 2.1 Waste legislative framework

The waste legislative framework in WA is contained in the *Waste Avoidance and Resource Recovery Act 2008* (WARR Act), *Waste Avoidance and Resource Recovery Levy Act 2007* (WARR Levy Act), and the *Environmental Protection Act 1986* (EP Act). The majority of waste levy requirements are contained in the WARR Levy Regulations under the WARR Levy Act.

Under regulation 4 of the WARR Levy Regulations, the waste levy is payable for waste received at landfill premises in the Perth metropolitan region, and waste collected within the Perth metropolitan region that is received at landfill premises in regional areas, unless an exemption applies.

Landfill premises are licensed landfills or premises that would be a licensed landfill if the occupier held a licence required under the EP Act. Licensed landfills are premises that have been issued a licence for category 63 (inert landfills), 64 (putrescible landfills) or 65 (Class IV secure landfills) landfills, as described in Schedule 1 of the Environmental Protection Regulations 1987 (EP Regulations), where waste is accepted for burial.

The waste levy under the WARR Levy Regulations is prescribed in accordance with a formula based on waste volume (cubic metres) for waste received and disposed to landfill at Category 63 (inert) landfills and for waste weight (tonnes) received for disposal to landfill for category 64 (putrescible) and 65 (secure) landfills.

### 2.2 Current waste measurement approaches

At Category 63 landfill premises in the metropolitan area, the WARR Levy Regulations require a survey to calculate the volume of inert landfill waste disposed to landfill at the end of each levy return period. Category 63 premises which have been granted waste levy exemptions under regulation 5 of the WARR Levy Regulations are then required to use the CEO approved manner to estimate the volume of exempt waste.

At Category 63 landfill premises outside the Perth metropolitan area, the WARR Levy Regulations require the use of the CEO approved manner to estimate both the total volume of waste disposed of to landfill and the volume of exempt waste.

For category 64 and 65 premises, waste measurement must be calculated based on weight at a weighbridge or, where no weighbridge is available (or where the premises are granted an exemption from the requirement to weigh received waste), estimated according to the CEO approved manner.

Category 64 and 65 premises granted exemptions under regulation 5 of the WARR Levy Regulations are required to use the CEO approved manner to estimate the weight of exempt waste. For category 64 and 65 premises, the weight of the exempt waste is subtracted from the weight of the waste received for disposal to landfill in order to determine levy liability.



The potential inaccuracies with estimating waste disposed to landfill and associated levy liability are outlined in the 2019 consultation paper Mandatory use of weighbridges by landfill premises to calculate leviable waste. In summary, the department has identified material issues with the current methods of calculating leviable waste, which can result in the underestimation of waste disposed to landfill, and potential overestimations of exempt waste. This can undermine the purpose of the waste levy, and the implementation of key actions and objectives in the Waste Strategy.

## 2.3 Other reforms

The department is implementing and progressing a range of waste reforms to support the objectives of the Waste Strategy, including:

- [Closing the loop: Waste reforms for a circular economy](#) – detailed legislative proposals to improve waste management and the waste levy in WA.
- The development of a [legislative framework for waste-derived materials](#), to encourage the use of fit-for-purpose waste derived materials in WA.
- [Review of the waste levy](#) – A review of the scope and application of the waste levy to ensure it meets the objectives of the Waste Strategy.

The above projects are not within the scope of this project, but there are identifiable interlinkages that need to be considered. The proposed reforms outlined in this consultation summary report will be progressed as part of broader waste reforms being led by the department – ensuring there is legislative alignment.

## 3 Submissions and responses

### 3.1 Option 1: No change (status quo)

This section summarises submissions on Option 1 in the discussion paper, which proposes no change to existing methods to calculate waste levy liability.

Under Option 1, liable landfill premises are permitted to continue to use the volumetric survey and measurement methods set out in the CEO approved manner, consistent with the WARR Levy Regulations.

Of the 13 responses received by the department, seven submissions expressed a preference for maintaining the status quo. It is noted that of the respondents expressing support for retaining the status quo, only one has previously submitted a levy return to the department.

General stakeholder comments	Department response
Option 1 is problematic and any system that replaces it must be better for all in the long term.	The department considers that the use of weighbridges will support a more consistent application of the waste levy regime for all liable premises. It will deliver a verifiable, accurate and equitable method of levy calculation and support the goals of the levy regime.
Option 1 will not address, much less solve any of the ongoing challenges that are a consequence of the current inaccurate calculation of waste, which then results in the inequitable application of the waste levy regime.	
Current calculation methods may lead to competitive disadvantage for liable landfills using more accurate approach (e.g. weighbridges) and create a disincentive to use or install weighbridges.	

Question 1. Are there advantages or disadvantages associated with Option 1 which have not been identified in this consultation paper? If so, please describe.	
Stakeholder comment	Department response
There is potential for overestimation of exempt waste by existing methods of waste measurement.	The department notes that both exempt and leviable waste may be overestimated by the use of the CEO approved manner.
Logic regarding the inaccuracy of the current methods of waste measurement also means there is likely to be overestimation of leviable waste.	The proposed regulatory amendments will enhance consistency and improve the accuracy of waste measurement.

<p>The waste that is exempt from the levy is a relatively small fraction of the total waste. As a result, the revenue collected under the levy is overinflated.</p>	
<p>Improving data accuracy of the waste levy calculation where appropriate is supported. Improving accuracy will incur a cost which must be balanced against the benefits of that improved cost including both improved accuracy for levy calculations as well as improved understanding of actual waste performance.</p>	<p>Noted. The department accepts that there will be costs associated with the requirement to install a weighbridge at a landfill premise, and this needs to be considered in terms of the benefits.</p> <p>It is noted that of the 17 landfills who are required to pay the waste levy, 15 already have installed a weighbridge.</p>
<p>Changing calculation from cubic metres to tonnage will impact Category 63 landfills. The density of waste received by Category 63 premises (i.e. Class 1 waste) can vary significantly. The use of weighbridges and default density factor(s) to convert from tonnage to cubic metres has the potential to introduce significant error and is less accurate than volumetric survey.</p>	<p>Under proposed weighbridge requirements, levy payment will be calculated on weight (tonnes) rather than a regular surveyed volume, consistent with approaches in other Australian jurisdictions.</p> <p>The requirements for volumetric surveys as a complementary approach are discussed in relation to Option 2. In any event, volumetric survey may still be required for compliance purposes, as an alternative approach for waste measurement (for example, non-compliance with weighbridge requirements).</p>
<p>Changing to a tonnage based calculation presents significant disadvantage for liable landfills which accept material of higher density.</p> <p>This has the potential to introduce substantial unintended consequences for the management and disposal of inert waste.</p> <p>To change from volumetric to tonnage based levy calculation further disincentivizes landfill operators to process and compact waste to minimize its size, which can cause numerous unintended consequences for the management of landfills, visual amenity etc.</p> <p>Simplistically, 1 tonne of plastic waste will have about 3 times the volume of 1 tonne of concrete waste, resulting in the light weight material paying one third as much on a volume basis as compared to the heavy weight material (in the example provided).</p>	<p>It is noted that the proposed approaches in options 2 and 3 may have impacts for waste that is of a higher density and weight. The proposed changes may also support greater diversion of this inert waste from landfill for this reason.</p> <p>While the waste levy is a strong driver for landfill operators to compact wastes, other drivers include the extension of the life of landfill cell and meeting licence conditions.</p>
<p>There needs to be flexibility in waste measurement for small landfill operators. The objectives of the Waste Strategy 2030 would be better achieved by the Department first concentrating its efforts on dealing with significant legislative and regulatory barriers</p>	<p>The department is currently progressing a number of waste reform projects to improve the legislative framework for waste management and the waste levy. Please refer to consultation processes for <a href="#">Closing the loop: Waste reforms</a></p>

<p>currently restricting resource recovery of inert waste, before seeking to increase the regulatory burden on the industry.</p> <p>No changes to the landfill levy or measures which have the potential to increase regulatory burden on industry should be contemplated until the Department first resolves the significant barriers preventing the recycling and acceptance of processed inert waste.</p> <p>There is evidence that the WARR Levy has been responsible for diverting inert material from landfill but, it is not known where this material has been diverted to.</p>	<p><a href="#">for a circular economy</a> and the <a href="#">Review of the Waste Levy</a> on the department's website.</p> <p>The department is also progressing reforms to establish a legislative framework to allow for the use of waste-derived materials in WA and to support a shift to a circular economy.</p> <p>The department notes that receiving waste which is subject to the waste levy is a business decision for landfills. Proposed weighbridge requirements will apply where leviable waste is received at landfills in the Perth metropolitan region and also where waste collected within the Perth metropolitan region is received at landfill premises outside the Perth metropolitan region. The legislation will apply to liable landfills who are required to pay the waste levy.</p>
<p>The truck estimation method is inaccurate and amounts to guessing.</p>	<p>The department agrees that the "vehicle type method" may lead to inaccurate estimation of leviable waste.</p> <p>The department suggests this approach can be considered a potential option for estimating waste if a weighbridge is broken, and a temporary approach is required.</p>

The consultation process has indicated there is support for maintaining the status quo, but there are also concerns with the accuracy of existing waste measurement approaches in the WARR Levy Regulations.

There is also a risk that existing waste measurement methods can present a competitive disadvantage to liable landfills using more accurate and modern methods (that is, weighbridges) to calculate their waste.

In addition, quarterly volumetric surveys currently required for Category 63 landfills in the Perth metropolitan area incur direct costs for the State Government, associated with the rebate of survey costs (up to \$2,000 per premises per quarter) and administrative costs associated with verification of levy returns.

Due to the significant issues with the current system, the department considers that Option 1 will not support the objectives of the Waste Strategy, or the establishment of a robust approach for measuring leviable waste received at licensed landfills.

## 3.2 Option 2: Liable landfill premises must install a weighbridge onsite with levy calculated based on tonnes

Under Option 2, the department would require the licensees of landfill premises where leviable waste is received and disposed of to landfill (Category 63) or received for disposal to landfill (categories 64 and 65) to install and use a weighbridge onsite.

Of the 13 responses received, four submissions supported Option 2.

This section summarises feedback on the following key questions in relation to Option 2 in the consultation paper.

- What are the advantages and disadvantages of requiring liable landfills to install an onsite weighbridge?
- What is the optimal interval for volumetric survey once weighbridge requirements are introduced?
- Are the capital costs outlined in this paper reasonable?
- Are there additional costs to landfill premises associated with the requirement to install a weighbridge which have not been identified?
- Are there barriers to the installation of a weighbridge beyond those outlined in this paper?

General stakeholder comment	Department response
This option will improve data accuracy but places sole responsibility on liable landfills and assumes that all generators and transporters are acting lawfully at all times, and not for example, transporting waste outside of the levy zone to avoid payment of the levy.	<p>The implementation of weighbridges provides an opportunity to improve consistency and accuracy of levy calculation and better align landfill premises. To ensure the weighbridge is utilised correctly, the proposal will also be supported by appropriate deterrents (for example, offences).</p> <p>The department has a waste levy compliance program and is investigating further legislative amendments to address levy avoidance, and illegal waste disposal.</p>
<p>Australia can't base targets and infrastructure, planning, policy and regulatory decisions solely on landfill diversion.</p> <p>The proposal will align landfill premises so that all liable landfills are required to weigh materials on a weighbridge, but it does not solve the challenge pertaining to the lack of data and information around resource recovery and recycling. Robust data is needed that clearly</p>	<p>The Waste Strategy sets targets for waste reduction, resource recovery and the diversion of waste from landfill. Establishing baseline data is an ongoing challenge in waste management and improving the accuracy and completeness of waste-related data is an important focus.</p>

<p>shows where and what (including tonnages) materials are recycled and what they have been recycled into. NSW made great strides in data collection due to requirements introduced in 2014 for all licensed processing, recycling and storage facilities to be liable to pay the levy and have a weighbridge installed.</p> <p>At the moment a large amount of data appears to be neither robust nor does it monitor all relevant parts of the waste and resource recovery sector making it increasingly challenging to make evidence-based decisions.</p>	<p>Updating data and reporting systems is also a headline strategy in the Waste Strategy and is being addressed as a priority.</p> <p>Legislative amendments are being progressed by the department to improve the collection and quality of waste data in WA.</p> <p>From 1 July 2019, the amended <i>Waste Avoidance and Resource Recovery Regulations 2008</i> (WARR Regulations) introduced mandatory annual reporting of waste and recycling data from local governments; premises that sort, treat or process more than 1,000 tonnes of recycled or reprocessed product per year; and regional landfill premises that receive more than 20,000 tonnes of solid waste per year.</p> <p>The department is also investigating options to improve waste data measurement and reporting through proposed reforms in the consultation paper <a href="#">Closing the loop: Waste reforms for a circular economy</a>, including mass balance reporting at specific licensed waste facilities.</p>
<p>All Local Government facilities should be exempt from the requirement of a weighbridge particularly on category 64 sites as it is costly to get power to country landfills.</p> <p>Most facilities are provided as a community service and not run as a commercial enterprise.</p> <p>The mandatory introduction of weighbridges at all landfill locations is not supported. The belief that mandatory introduction of weighbridges at all landfill locations strikes the balance of improved accuracy for levy calculations and improved understanding of actual waste performance cannot be met with certainty.</p> <p>As a category 64 landfill facility that doesn't take more than 600t of waste p.a. and don't maintain an onsite weighbridge or have access to one in the local area, the need for a weighbridge will be at significant cost for no real cost benefit in annual levy fees to the Department other than accounting.</p> <p>Will the Department consider viability testing of a weighbridge against a facilities annual levy cost? Or consider the need for weighbridges,</p>	<p>Local government landfills outside the Perth metropolitan region are currently not required to have a weighbridge if they do not receive waste from the Perth metropolitan region.</p> <p>If these landfills receive Perth metropolitan waste and are a category 63, 64 or 65 licensed landfill, they will be receiving leviable waste and would require a weighbridge under Option 2. Alternatively, these landfills can choose to no longer accept Perth metropolitan waste, and therefore the weighbridge requirements won't apply.</p> <p>The department notes concern with the potential impacts on smaller, regional landfills if they need to install a weighbridge. A CEO exemption may be considered for exceptional circumstances where regional landfills have to accept small quantities of leviable waste for a temporary period.</p>

<p>for instance only required for a facility receiving more than x amount i.e. 300t?</p> <p>Changes to the scope and application of the WARR Levy could result in a situation where Local Government managed landfills that do not currently have a weighbridge, and only accept small volumes of municipal waste from their community - would be subject to the WARR levy requirements.</p> <p>The financial impost of complying with the new requirements, would undermine the viability of these small scale operations. The Department must consider what mechanism will be applied in this type of situation, as the amount of tonnes received (e.g. &lt;5,000 tonnes annually) is not likely to influence the wider waste generation dataset.</p>	<p>Establishing permanent exemptions from weighbridge requirements is currently not being considered under Option 2, as this may undermine consistent waste measurement. It is noted that 15 of the 17 landfills paying the levy under current requirements already have a weighbridge.</p> <p>Please note that consultation on the scope of the waste levy has commenced with the <a href="#">Review of the waste levy</a>. This review will consider the geographical scope of the waste levy and the recovery of regional waste.</p> <p>Outcomes from this project, and interactions with proposals for mandatory weighbridges, will be considered as part of broader waste reforms. Stakeholders will be kept informed of any potential future changes.</p>
<p>Using cubic metres as an estimate for waste appears a more accurate measure and it is just an estimate.</p>	<p>Estimating cubic metres of waste is complex and uncertain unless a survey is undertaken, or the CEO approved manner is used (bearing in mind the equity inconsistencies with the use of the CEO approved manner).</p>
<p>Option 2 supported subject to cost and transitional arrangements.</p> <p>To ensure there are no unintended consequences arising from the requirement to use a weighbridge, the Department will need to adopt an integrated approach to policy, regulation and enforcement. Otherwise only compliant licensed premises will incur the cost of installing weighbridges and paying the waste levy.</p>	<p>The department acknowledges transitional arrangements will be required to ensure that landfill premises subject to weighbridge requirements can install weighbridges or make suitable arrangements for the use of third party weighbridges (options 2 and 3).</p> <p>Compliance and enforcement programs are implemented by the department to detect and investigate levy avoidance and illegal activity. New offences to support weighbridge requirements will also be considered to ensure there is an equitable approach.</p>
<p>This option is supported because it will be far more financially efficient to use an existing weighbridge located at a landfill premises than it will be to duplicate the infrastructure and to introduce additional compliance reporting processes and overheads.</p> <p>A weighbridge at a commercial landfill premises would be used routinely on a daily basis and so testing, calibration, and running costs will be lower on a per unit basis.</p> <p>All commercial landfill premises should operate weighbridges on their premises.</p>	<p>It is considered that Option 2 can provide a more accurate, equitable and consistent method of waste measurement.</p>

<p>The mandatory use of weighbridges is supported as part of a comprehensive compliance regime whereby weighbridges are used in conjunction with mandatory bi-annual volumetric surveys, under the supervision of the Department, to validate weighbridge data.</p>	<p>Volumetric surveys will still be needed – for example, in the event that a weighbridge breaks down (subject to CEO approval) or in instances of non-compliance with levy requirements.</p> <p>It is noted that there is a role for maintaining regular volumetric surveys as another mechanism to audit leviable waste being received and disposed of to landfill. In New South Wales (NSW), there are bi-annual volumetric surveys of landfills paying the levy for this purpose.</p> <p>In addition, the department has a waste levy compliance program and is investigating further legislative amendments to address levy avoidance.</p>
<p>Options 2 and 3 outline methods of assessing where lightweight materials such as plastic will potentially attract a lower levy than heavyweight materials such as C&amp;D waste.</p> <p>If weighbridges are adopted with levies based on tonnages, then a further mechanism will be required to adjust the waste levies based on the weight to volume characteristics of the material i.e. heavy weight materials will pay less per tonne than lighter weight materials.</p>	<p>The department notes that lightweight materials will attract lower levy liability than materials such as construction and demolition (C&amp;D) waste. Under compaction, the plastics will significantly reduce on volume whereas C&amp;D waste will not.</p>

**Question 2. What are the advantages and disadvantages of requiring liable landfills to install an onsite weighbridge?**

Stakeholder comment	Department response
<p>Introduction of weighbridges for all landfill locations within the levy area would create significant burden with limited positive environmental outcomes.</p>	<p>The waste levy is an important financial incentive for reducing waste disposal. The implementation of weighbridges will improve consistency and accuracy of levy calculation and create a level playing field for liable landfill premises under the WARR Levy Regulations.</p> <p>Under Option 2, the proposed requirements will only apply to licensed landfills that are required to pay the waste levy under legislative requirements.</p> <p>Please note the potential reforms in ‘Closing the loop: waste reforms for a circular economy,’ and proposals relating to the application of the waste levy at landfills.</p>



	Any potential implications in terms of introducing mandatory weighbridge requirements will be communicated to stakeholders.
<p>There is merit in multiple approaches to waste measurement and a hybrid model for waste measurement that includes both volumetric and weighbridge assessments would be acceptable. Whether a weighbridge is required should depend on the overall quantity of waste processed by a facility each year based on threshold quantity (e.g. 10,000t per annum). If less than this amount, then volumetric assessment should be an option.</p> <p>It is unreasonable to require installation of a weighbridge where volume of waste is low and only waste generated from primary business activity is accepted so regulated minimum should be subject to volumetric-based controls. There are two other Australian states where minimum limit is 10,000 tonnes.</p>	<p>The department notes that other Australian jurisdictions have introduced mandatory use of weighbridges to improve accuracy in determining whether the levy is payable, for waste reporting and monitoring purposes and for licensing of waste processing, recycling and storage facilities.</p> <p>By 1 July 2024, Queensland will further align with NSW, in terms of requiring most landfills that are paying the levy to install and use a weighbridge.</p> <p>Waste generated and disposed of onsite is currently not subject to the waste levy. The department notes that hybrid approaches may disadvantage landfills with weighbridges and lead to more variation in measurement methods.</p>
Changes to the scope and application of the waste levy could result in a situation where local government managed landfills that do not currently have a weighbridge, and only accept small volumes of municipal waste from their community would be subject to waste levy requirements.	<p>Noted. The regulatory proposal to require the use of weighbridges does not consider any changes to the existing scope and application of the waste levy.</p> <p>The department is currently progressing the <a href="#">Review of the waste levy</a>, which canvasses the geographic area of the levy.</p> <p>Under the current levy regime, local governments outside the Perth metropolitan area are not required to have a weighbridge if they do not accept metropolitan waste.</p>
Using volumetric survey reduces the risk of under reporting quantity of waste received rather than relying on weighbridge records as a primary levy calculation method.	<p>The department considers that weighbridges provide for more consistent, accurate and equitable estimations of levy liability.</p> <p>Volumetric surveys may be permitted in the event that a weighbridge breaks down (subject to CEO approval) or required in instances of non-compliance with levy requirements.</p> <p>Introducing regular volumetric surveys at licensed landfills will also be considered in terms of providing a supporting auditing measure for compliance purposes.</p>

Implementation of weighbridges to better align landfill premises does not address objectives of WARR Act and Waste Strategy 2030.	<p>The Waste Strategy aims to drive continuous improvement in waste services, waste avoidance and resource recovery and set targets for waste reduction, resource recovery and the diversion of waste from landfill.</p> <p>The waste levy is critical in providing a disincentive to disposal of waste to landfill and its effectiveness relies on the accuracy of waste calculation methods.</p>
There is a risk of continuing, or a possible increase in waste levy avoidance if reliance is on weighbridges as the standalone method for levy calculation.	<p>Noted. The department has a waste levy compliance program and is investigating further legislative amendments to minimise levy avoidance.</p> <p>The department also acknowledges the ongoing role of bi-annual or annual volumetric surveys to ensure compliance and as a back-up in case of breakdowns.</p>
<p>The Department [should consider] what mechanism will be applied to landfill facilities that only accept small volumes of municipal waste from their community, should there be changes to the scope and application of the WARR Levy.</p> <p>As the proposal for weighbridges relates to the regulation of leviable waste, there is a clear case for WARR Account funds to be used for this initiative. There is in excess of \$40 million in the WARR Account, collected from those managing waste.</p>	<p>The regulatory proposal to require the use of weighbridges does not change the existing scope and application of the waste levy.</p> <p>The department is currently progressing the <a href="#">Review of the waste levy</a>, which canvasses the geographic area of the levy.</p> <p>Provision of funding for the installation of weighbridges is a matter for the Waste Authority. At this stage no funding has been allocated for this purpose.</p>

Question 3. What is the optimal interval for volumetric survey once weighbridge requirements are introduced?	
Stakeholder comment	Department response
Options 2 and 3 propose to change the levy calculation method from volumetric to tonnage based and require mandatory measurement by weighbridge. If so, then to require landfill premises to additionally undertake volumetric surveys appears to be an unreasonable regulatory burden.	<p>As the utility of volumetric surveys depends on their frequency, the department will consider reasonable requirements for future volumetric surveys to complement the introduction of weighbridges.</p> <p>Consultation has flagged a potential role for bi-annual volumetric surveys, which would</p>
Discontinued once weighbridge requirements [are introduced] and	

reintroduced on a case-by-case basis in response to issues of non-compliance or to assist in the resolution of disputes.	support more accurate waste measurement and reporting.
If the levy is to be calculated by tonnage and weighbridge is the mandatory measurement method, then any requirement to conduct a volumetric survey should be [an] exception, not interval based.	The department notes that volumetric surveys are likely to be required in instances of non-compliance with levy requirements.
<p>The paper does not provide any substantive evidence to support the statement “The proposed regulatory amendments would enhance consistency and significantly improve the accuracy of waste measurement”.</p> <p>As identified by the paper, volumetric survey is the requisite assessment methodology in legal proceedings regarding non-compliance or dispute over material excavated or filled.</p>	<p>The department’s analysis suggests that use of the CEO approved manner based on volumetric assessment may lead to inaccurate estimation of exempt waste and calculation of levy liability.</p> <p>While estimating levy liability by volumetric survey is less accurate than weight calculations via a weighbridge, the volumetric survey may still be required in cases of non-compliance with levy requirements.</p>
<p>Development and management of volumetric surveys should include a baseline survey at commencement and conducted independently of the landfill facility to a specified standard.</p> <p>Weighbridge data then compared with volumetric survey data in an audit process supervised by the Department. Audits would be conducted at random intervals but at least annually.</p> <p>Each landfill would develop a set of detailed operating procedures, approved by the Department as a condition of licence. This would subsequently inform the annual audit process and allow the auditor to identify any breach of the approved operating conditions.</p>	<p>The department notes that data from volumetric surveys and weighbridge data will not align due to different conversion rates.</p> <p>The department agrees that modifications to record-keeping, monitoring and site management may be required.</p> <p>The department will continue to inspect liable landfill premises to ensure compliance with the waste levy legislation.</p> <p>The department is investigating additional compliance and enforcement measures and offences and penalties to minimise levy avoidance and illegal activity.</p>
<p>The Department needs to develop a clear process in the event that a discrepancy between weighbridge mass balance and volumetric mass balance occurs through a record-keeping process.</p> <p>Penalties should be automatic, substantial and reflect the order of magnitude of financial gain from levy avoidance. Penalties should not only be financial. Consideration should also be given to licence suspensions and the application of additional compliance measures (e.g. external independent audits; CCTV and independent monitoring) to be imposed at the operator’s expense.</p>	

<b>Question 4. Are the capital costs outlined in this paper reasonable?</b>	
<b>Stakeholder comment</b>	<b>Department response</b>
Industry considers that the costs of weighbridge installation are reasonable.	<p>The department accepts that there will be costs associated with the use of weighbridges and notes the cost estimates provided by respondents.</p> <p>Larger local government landfills outside the Perth metropolitan area are not required to have a weighbridge if they do not accept metropolitan waste.</p>
The cost of installing a 12m weighbridge would be approximately \$120,000 but to install this size and associated roadworks, electrics and site-specific configuration the cost is closer to \$250,000 – twice the cost estimated in [the] consultation paper.	
The costs associated with weighbridge construction are high, ranging from \$250-300k for a 36x3.5m facility. The consultation paper under-estimates the cost of installing a weighbridge, especially when the weighbridge would need to be installed somewhat remotely.	
<p>Compulsory use of weighbridges is not practicable in all circumstances if they are not conveniently placed.</p> <p>An alternative is the weightometer<sup>2</sup> approach or current approved estimation methodology.</p>	<p>The department considers that installation of a weighbridge at the entrance of a landfill premises would generally not be impracticable or significantly reduce the working area of the site.</p> <p>It is proposed the department will consider case by case CEO exemption requests for an alternative approach for weighing waste, where there is supporting evidence that it is accurate, reliable and equivalent to a weighbridge.</p>
For small landfill operators the capital investment and maintenance costs of a weighbridge would outweigh the variation in levy outcomes between using the vehicle type method and the weighbridge method. The adoption of a tiered approach could balance the financial impost on smaller landfills and environmental outcomes of the levy. Under a tiered approach, a weighbridge would be required for waste disposal sites that receive more than a threshold quantity of waste per year. This approach has been adopted in South Australia and Queensland	<p>Local governments outside the Perth metropolitan area are not required to have a weighbridge if they do not receive Perth metropolitan waste.</p> <p>Landfills currently receiving very small volumes of leviable waste may elect not to continue this business practice to avoid costs associated with installation of a weighbridge.</p> <p>The approaches in other jurisdictions are being considered. Please note by 1 July 2024, Queensland will further align with NSW, in</p>

<sup>2</sup> A device that continuously weighs material passing on a conveyor belt.

where only facilities receiving more than 10,000t p/a/ are required to install a weighbridge.	terms of requiring landfills that are paying the levy to install and use a weighbridge. There are exemptions available for landfills receiving less than 2,000 tonnes of waste per year.
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<p><b>Question 5. Are there additional costs to landfill premises associated with the requirement to install a weighbridge which have not been identified?</b></p>	
Stakeholder comment	Department response
<p>Purchase and installation of a weighbridge is in addition to costs already invested into waste measurement and management by industry. Considerable resources have been expended over many years conducting waste audits of facilities and exploring opportunities to divert waste and by-products.</p> <p>The paper appears to consider the cost of the actual weighbridge and not the associated costs such as approval, design and engineering, earthworks, sealing of approach and departures and roadworks, weighbridge hut, computer system and software, connections to power etc.</p> <p>For sites which do not currently have a weighbridge there are additional costs of a weighbridge operator, repair &amp; maintenance, calibration, software licensing and updates, utilities costs etc. The annual costs of operating a weighbridge can easily be over \$100,000 per year.</p>	<p>The department accepts there will be costs associated with the use of weighbridges and notes there are weighbridge costs that will relate to both installation and maintenance.</p> <p>Levy returns received by the department show that approximately 15 of 17 landfills paying the levy in 2019–20 have a weighbridge. The proposed regulatory option will support more equitable treatment of liable landfills in WA.</p>
<p>There will be significant costs to industry to develop compliance and quality assurance processes. However, they are necessary and could potentially be offset by Government grants.</p>	<p>Noted. Provision of funding for the installation of weighbridges is a matter for the Waste Authority. At this stage no funding has been allocated for this purpose.</p>
<p>An infrequently-used weighbridge in a remote location will experience high running costs and generate an additional compliance burden on the Regulator.</p> <p>There would be additional costs to landfill premises because of regulatory reporting requirements, it is not an investment (to make a return) and it is adding more cost to the bottom line.</p>	<p>The department accepts there will be costs associated with the use of weighbridges. A landfill in a remote area can make a business decision to not accept leviable waste to avoid the requirements.</p> <p>The department agrees that the proposed regulatory option will ensure more equitable treatment of liable landfills in WA.</p>

Most commercial landfill premises have made the investment in their weighbridges, leaving those without weighbridges with an unfair (artificial) competitive advantage, which unfortunately is also open to the possibility of data rorting activities.	
The proposal to use weighbridges would reduce the costs experienced by State Government. Whole of life costs associated with design, procurement, transport, installation, the adjustment of infrastructure, systems and site practices along with ongoing operations and maintenance would be borne by local governments and industry operators that are subject to the new requirements. Costs of installing a weighbridge will differ between sites, dependent on factors such as staffing arrangements, access to electricity and the internet and the existing operational plan, site layout and infrastructure.	<p>The department accepts there will be costs associated with the use of weighbridges and notes the costs presented in submissions.</p> <p>The department will review collected weighbridge data as part of the waste levy framework and prepare new guidance for licensees.</p>

**Question 6. Are there barriers to the installation of a weighbridge beyond those outlined in this paper?**

<b>Stakeholder comment</b>	<b>Department response</b>
In many situations, given the density of the metropolitan industrial area, there is limited physical space for a weighbridge to be installed.	<p>The department considers that installation of a weighbridge at the entrance of a landfill premises would not, in most cases, be impracticable or significantly reduce the working area of the site.</p> <p>Perth metropolitan landfills currently receiving very small volumes of leviable waste may elect not to continue this business practice to avoid costs associated with installation of a weighbridge.</p>
Weighbridges need to be certified by the National Measurement Institute who have stringent requirements for the construction and operation of weighbridges that for some sites may be difficult and costly to achieve.	Noted. Where weighbridges are used as a basis for charging or paying customers (including the waste levy) they will require certification to ensure they are accurate, with requirements to be outlined under legislation.
The consultation paper accurately outlines the major impediments that may affect some operators. The cost of installing and maintaining compliant weighbridges will be an impediment only to operators participating in the levy avoidance industry and not to honest operators.	The department agrees that the proposed regulatory option will ensure more equitable treatment of liable landfills in WA.

Whatever the method of calculation or required location of the infrastructure, the data gained must be supported by rigorous processes. It must not create unnecessary cost imposts on industry, and it must not be open to unscrupulous third parties to rort the system.	Noted. Specific provisions may be required to support transparency and accountability. Separately, the department is consulting on legislative amendments to minimise levy avoidance and limit opportunities for rorting. Please see the consultation paper <a href="#">Closing the loop: Waste reforms for a circular economy</a> .
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Respondents have identified there may be cost impacts associated with Option 2 which need to be considered, particularly impacts on rural local governments and waste facilities. The department notes that the installation of a weighbridge is a significant investment, although most landfills paying the waste levy already have a weighbridge in place.

Under Option 2, the department considers the proposed amendments will enhance consistency of waste measurement and significantly improve the accuracy of levy calculation. In particular, the use of weighbridges will address a competitive disadvantage for operators using weighbridges, compared with landfills using volume estimation approaches.

Weighbridges are a more accurate method of waste measurement than volumetric surveys and reduce the need for conducting volumetric surveys at landfills.

Noting that the utility of volumetric surveys depends on their frequency, the department is considering a suitable framework for volumetric surveys to complement the introduction of weighbridges. This issue is also being considered as part of mass balance reporting proposals under [Closing the loop: Waste reforms for a circular economy](#) waste reforms.

Respondents have indicated bi-annual or annual volumetric surveys could be appropriate to verify waste data being provided to the department. This also aligns with the periodic survey approach for landfills paying the levy in NSW.

Increased diversion from landfill is a key component of the Waste Strategy and a State Government priority.

### 3.3 Option 3: Waste that is to be disposed of to landfill, or received at liable landfill premises, must be weighed on a weighbridge with levy calculation based on tonnes

Option 3 proposes that premises where leviable waste is received and disposed of at a licensed landfill (Category 63) or where waste is received for disposal to a licensed landfill (categories 64 and 65) will be required to weigh waste with a weighbridge either onsite or at an alternate location (third party weighbridges).

Of the 13 responses received, only one respondent supported Option 3.

This section focuses on the following questions from the discussion paper:

- What are the advantages and disadvantages of providing for third party weighbridges?
- What are the direct and indirect costs for businesses using, or requiring the use of, third party weighbridges?
- Are there any unintended consequences associated with the use of third party weighbridges, other than those identified?
- What specific measures would be required to ensure the effective regulation of third party weighbridges?
- What is a reasonable period to allow operators of liable landfill premises to comply with mandatory weighbridge requirements?

General stakeholder comment	Department response
There needs to be flexibility in waste measurement for small landfill operators. Retaining the status quo of option 1 is preferable but option 3 is acceptable in conjunction with retaining the current calculation method and the use of third-party weighbridges.	Noted. Proposals to require the use of weighbridges are aimed at removing the inconsistencies and inaccuracies associated with the CEO approved manner under the WARR Levy Regulations.
<p>To impose the waste levy on all material received, including that to be recycled, would make recycling commercially unviable and prevent any recycling within landfill premises. Operating waste recycling and landfilling facilities within the same premises is logical and sustainable.</p> <p>Option 3 poses the risk of significant unintended consequences to such facilities. Any regulatory changes to this effect would be in serious variance to the objectives of the WARR Act and Waste strategy 2030 and is not supported.</p>	<p>None of the regulatory proposals in the discussion paper change the application, or alter existing exemptions, for the waste levy. Under this regulatory proposal, the levy would continue to reflect current levy liability obligations under the WARR Levy Regulations.</p> <p>Please note that proposals to apply the levy to waste received at landfill premises, and long-term stockpiles, are being considered in the <a href="#">Closing the loop: Waste reforms for a circular economy</a> consultation process.</p>



<p>Option 3 will provide a more informed picture of the industry, reduce poor practice, enhance consistency and improve accuracy of levy calculation. There will be greater transparency in relation to destination and fate of recyclables.</p> <p>The legislative framework and resources need to be reviewed for an integrated approach to objectives in amending the WARR Levy Regulations and making sure there is an integrated policy, regulatory and enforcement framework and approach to prevent unlicensed and non-compliant facilities from roting.</p>	<p>Noted. It is intended that the use of third party weighbridges, if permitted, would be subject to approval of the CEO. Premises would be required to outline suitable arrangements to ensure that measurement records from a third party premises are transferred to the licensee; that records are available for inspection upon request; and that requirements related to vehicle flow and weighing of all loads entering the premises are credible and accurate.</p>
<p>Option 3 is supported in relation to the requirement of weighbridges for all facilities that receive levy waste based on the current levy area.</p>	
<p>Clarity is required on the future of the CEO approved manner, including whether changes, if any, will be made to these methods and if so, how they will impact the data collected as part of the waste levy reporting requirements.</p>	<p>The CEO approved manner may continue to be applied in some exceptional circumstances which could be defined under legislation, such as where a weighbridge is broken, is temporarily inoperable or requires scheduled maintenance work.</p> <p>The temporary exemption would be subject to approval of the CEO.</p> <p>It is proposed that the adoption of weighbridges for uniform calculation of levy would require submission of a quarterly weighbridge report in a specified format.</p>

**Question 7. What are the advantages and disadvantages of providing for third party weighbridges?**

Stakeholder comment	Department response
<p>The mandatory use of weighbridges is not supported without other options remaining open for the measurement of waste. This includes mandatory use of third-party weighbridges.</p>	<p>The department notes that other Australian jurisdictions have introduced the mandatory use of weighbridges to improve accuracy in determining whether the levy is payable.</p> <p>Less precise and consistent methods for measurement of leviable waste will not address inaccuracies and inconsistencies in current waste measurement methods and will not support the goals of WA's Waste Strategy.</p>

<p>This option is NOT supported as the option of Third Party Weighbridges (TPW) would only advantage the levy avoidance industry. TPW would require an additional Chain of Custody process in addition to the Compliance/Quality Assurance/Auditing processes that should be in place with onsite weighbridges which is unmanageable.</p>	<p>The department notes that third party weighbridges, if permitted, would be subject to approval of the CEO and premises would be required to outline suitable arrangements to ensure that waste measurement protocols are robust, to minimise levy avoidance opportunities.</p>
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**Question 8. What are the direct and indirect costs for businesses using, or requiring the use of, third party weighbridges?**

<b>Stakeholder comment</b>	<b>Department response</b>
<p>Development of contracts and legal negotiations to enable the use of third-party weighbridges is a significant time and cost import. The use of third-party weighbridges will increase transport costs, greenhouse gas emissions and traffic congestion. The limited market of suitable third-party weighbridges may result in price gouging.</p>	<p>The department notes there may be limited access to third party weighbridges in some instances, and this may have negative outcomes for landfill operators. This is a potential disadvantage with Option 3.</p>
<p>When the area of the levy zone is increased (which based on the new targets including the Peel area will be within the next few years), this requirement will impact on some smaller rural landfills (e.g. Waroona) where waste quantities are less than 5,000t p.a., and the financial burden of installing and maintaining a weighbridge for such a small volume of waste would be disproportionate, adding \$4-\$10 per tonne to the communities' waste costs (plus the \$70 increase associated with the levy). If this requirement is applied to sites when the levy zone is increased, there would need to be a throughput based exemption or funding to pay for the weighbridge installation.</p>	<p>The existing scope and application of the waste levy is out of scope for this project. Under the current levy regime, licensed landfills in regional areas outside the Perth metropolitan region are not required to have a weighbridge if they do not accept Perth metropolitan waste.</p> <p>Please refer to the <a href="#">Review of the waste levy</a>, which is currently considering the scope and application of the waste levy in WA.</p>
<p>The WARR Levy Regulations apply to all leviable waste received at licensed landfill premises. Currently this would impact 12 landfill premises in WA. The expansion of levy area would affect numerous smaller landfills and a program would need to be developed</p>	<p>The department acknowledges there will be costs associated with introducing and using weighbridges to measure leviable waste.</p>

<p>for smaller sites that may only receive 5,000t p.a. to avoid the financial impost for smaller operations.</p> <p>The Department must also consider a mechanism for these sites to ensure that the overall dataset is not compromised. There is a saving on ongoing direct costs but quarterly volumetric surveys required to be undertaken by 63 category landfills in the metropolitan region at \$2,000 per site per quarter and administration costs. Local government and industry will incur whole-of-life costs.</p> <p>Proposed use of waste levy funds to cover weighbridge costs incurred. The NSW EPA Weighbridge Fund could be an example to follow where grants of up to \$75,000 [are] provided to liable facilities that carried out resource recovery, waste processing, waste storage and landfilling.</p> <p>The Department would need to carry out its own cost benefit analysis that includes all potential costs (capital – between \$80,000 and \$150,000, record keeping, reporting and other administrative tasks – approximately upwards of \$70,000 per year, etc.) to determine a grants program.</p>	<p>Levy returns have indicated that 15 of the 17 landfills currently paying the waste levy have a weighbridge.</p> <p>Provision of funding for the installation of weighbridges is a matter for the Waste Authority. At this stage no funding has been allocated for this purpose.</p> <p>The department notes, however, that as a substantial portion of liable landfill premises have already installed weighbridges, the provision of funding may be inequitable.</p>
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<p><b>Question 9. Are there any unintended consequences associated with the use of third party weighbridges, other than those identified?</b></p>	
Stakeholder comment	Department response
<p>The system of weighing waste could be open to rorting by unscrupulous third-party operators which can taint legitimate and compliant operators – rorting should be avoided.</p>	<p>The department accepts that under Option 3 specific provisions would be required to minimise the risk of load tampering and to support transparency and accountability for third party weighbridge use. This may include new offences, to be supported by compliance and enforcement programs.</p>

<p><b>Question 10. What specific measures would be required to ensure the effective regulation of third party weighbridges?</b></p>	
Stakeholder comment	Department response

<p>The consultation paper focuses on use of third-party weighbridges primarily as a means to transition to the use of on-site weighbridges or in the event of maintenance or breakdown of on-site weighbridges.</p>	<p>The department accepts that alternative methods for measurement of waste would be required in cases of weighbridge malfunction or where maintenance is required.</p> <p>Generally, third party weighbridges would only be practicable where a licensee has an arrangement with another weighbridge reasonably co-located that can be used for this purpose.</p> <p>It is intended that the use of third party weighbridges, if permitted, would be subject to the approval of the CEO. Premises would be required to outline suitable arrangements to ensure that measurement records from a third party premises are transferred to the licensee; that records are available for inspection upon request; and that the requirements related to vehicle flow and weighing of all loads entering the premises are credible and accurate.</p>
<p>As the Department is in the policy formulation phase, the known regulatory challenges and existing risks could be addressed by amending existing regulatory processes. For example, reporting requirements that apply to licensed premises could be extended to all premises that have a weighbridge that processes over a specified quantity of waste per year. Alternatively, levy submissions could include detailed calibration and maintenance data for weighbridges.</p>	<p>The department accepts that specific legislative provisions may be required to minimise the risk of load tampering and to support transparency and accountability for third party weighbridge use.</p> <p>In addition, new requirements for the use of weighbridges may need to be supported by appropriate offences. This will ensure that waste is measured on the weighbridge, unless there are exceptional circumstances (for example, weighbridge malfunction).</p>
<p>If third party weighbridges' compliance of the National Measurement Act 1960 is required whether through the use of an on-site weighbridge or third-party weighbridge, the Department is encouraged to develop detailed guidelines with checklists that specify the legal requirements facility operators must meet under the WARR Regulations, including requirements that relate to record-keeping and reporting.</p>	<p>Where weighbridges are used as a basis for charging or paying customers (including the waste levy) they will require certification to ensure they are accurate, with requirements to be outlined under legislation.</p>
<p>The cost of weighbridges may become a deterrent for sites to become licensed. This program needs to be implemented in conjunction with an integrated policy, regulatory and enforcement framework and the Department should consider the additional costs required to administer and enforce.</p>	<p>If a landfill site is operating without a licence, they may be subject to serious offences and penalties under the <i>Environmental Protection Act 1986</i>.</p> <p>The department will continue to inspect licensed and unlicensed premises to ensure compliance with environmental and waste levy legislation.</p>
<p>This option is NOT supported as it is not manageable.</p>	<p>The limitations with Option 3 are noted.</p>

Responses received on Option 3 indicate that while provision for third party weighbridges has the potential to mitigate capital and ongoing costs associated with weighbridge installation, this option may be impractical for the majority of landfills. It may also be significantly harder to regulate and be prone to rorting. In addition, the use of offsite weighbridges makes it possible for waste loads to be tampered with between the weighbridge location and the final destination.

Verification for compliance purposes is also more complex for Option 3. Facilities where weighbridges are located are not necessarily licensed premises and only licensed landfills are required to make records under regulation 17 of the WARR Levy Regulations.

This presents challenges for the department in terms of access to, and auditing of, waste records and the identification or prosecution of false or misleading records.

The use of third party weighbridges, if permitted, would be subject to approval by the CEO. Premises would be required to outline suitable arrangements to ensure that waste measurement records from a third party premises were transferred to the licensee; that records were available for inspection upon request; and that the requirements related to vehicle flow and weighing of all loads entering the premises were documented.

### 3.4 Other matters

This section summarises feedback received on transitional measures that may be required to progress mandatory weighbridge requirements under options 2 and 3. It is noted that in other jurisdictions, there are transitional periods provided in legislation to support operators who need sufficient time to install weighbridges, and to change their calculation procedures.

Question 11. What is a reasonable period to allow operators of liable landfill premises to comply with mandatory weighbridge requirements?	
Stakeholder comment	Department response
<p>If weighbridges are made mandatory for premises that process more than 10,000 tonnes of waste per year (as in Queensland and South Australia), a two-year lead time should be allowed for the purchase and installation of a weighbridge reflecting WA's smaller market in relative isolation compared with New South Wales (where the transition period is 15 months).</p> <p>Two years.</p>	<p>The department accepts that appropriate transitional arrangements will be necessary to implement requirements related to weighbridges based on stakeholder feedback.</p>

<p>Six months would be a reasonable timeframe for liable operators to comply with mandatory weighbridge requirements, including the development of appropriate operating procedures.</p>	
<p>The Annual Budget for local government is usually endorsed between July/August. It is anticipated that procurement, installation and adjustments to systems and practices (e.g. record keeping, onsite operational plans) would take at least 6 months to complete following Council approval of the Annual Budget.</p>	
<p>This transitional period would also need to apply to those Local Governments that are affected by reforms (e.g. an expansion of the geographic area covered by the WARR Levy). The transitional time does not take into account the time taken to obtain approvals through the Department licensing system for prescribed premises as it is not clear if a works approval or licence amendment would be required to install a weighbridge and/or amend an existing operational plan.</p>	
<p>In addition to the time taken to obtain relevant approvals, a transitional period of at least 18-24 months must be provided to comply with the proposed weighbridge requirements, from the date of enactment and/or implementation of future reforms.</p>	
<p>24 months with start date aligned to financial year so that industry and Local Government can appropriately allocate all costs in their budgets.</p>	
<p>The inert waste industry is already under significant pressure due to the economic downturn and crippling regulatory barriers preventing resource recovery and suggests no changes to the waste levy.</p>	<p>The Waste Strategy is focused on reducing waste generation and enhancing resource recovery by setting targets for material recovery.</p> <p>The department is also progressing work on the development of a legislative framework for waste derived materials, to support the use of fit-or-purpose waste derived materials and the shift to a circular economy.</p> <p>The department, Waste Authority and Main Roads WA are working together to promote the use of recycled C&amp;D material through the Roads to Reuse pilot project which aims to demonstrate the suitability and safety of recycled C&amp;D materials in road construction.</p> <p>Please refer to the <a href="#">Review of the waste levy</a>, which is currently considering the scope and application of the waste levy in WA.</p>

Consultation feedback indicates broad support for a transitional period if mandatory weighbridges are introduced under options 2 or 3. Including a transitional period before requirements commence under legislation will provide landfill operators with time to seek approvals and to construct the landfill itself.

Based on collective stakeholder feedback and experiences in other jurisdictions, it is considered that 18 months is an appropriate time period to allow for the implementation of new requirements for mandatory weighbridges.

## 4 Preferred approach and next steps

This paper provides an overview of key issues raised in stakeholder submissions and has considered various options to improve waste collection and quality via weighbridges at licensed landfills. In summary:

- Option 1, which retains the status quo, may result in inaccurate calculation of leviable waste and inequitable application of the waste levy regime.
- Option 2 would require the licensees of landfill premises where leviable waste is disposed of to landfill (Category 63) or received for disposal to landfill (categories 64 and 65) to install a weighbridge onsite. This may have cost impacts for landfill operators but could assist in improving the consistent and accurate measurement of leviable waste.
- Option 3 would permit the use of third party weighbridges, which may reduce regulatory burden for liable landfill premises without a weighbridge onsite. However, this option may be harder to regulate and could be prone to rorting.

Following the consultation process, the preferred approach for improving waste measurement under the WARR Levy Regulations is Option 2.

Under this option, proposed regulatory amendments will provide a more consistent application of the waste levy regime and improve waste measurement by delivering a verifiable, accurate and equitable method of levy calculation.

A transitional period is proposed, with the reforms to take effect 18 months after the amendments to the WARR Levy Regulations are completed.

As raised in the consultation feedback, there will need to be flexibility to account for unusual or exceptional circumstances which may make weighbridge measurement impossible, or impractical. To address this, the following three CEO exemptions are proposed:

- 1) a CEO exemption to allow a licensed landfill to use an alternative waste measurement approach for a specified period if their weighbridge is broken or inoperable (for example, repair and maintenance)
- 2) a CEO exemption for licensed landfills if they are receiving leviable waste due to exceptional circumstances (for example, emergencies)
- 3) a CEO exemption for an alternative waste measurement approach if the applicant can demonstrate the leviable waste can be accurately weighed at the licensed landfill, and the use of a weighbridge is impractical.

The role of volumetric surveys as an additional tool for verifying waste disposed to landfill was also highlighted in consultation feedback. Rather than quarterly surveys, it is proposed that licensed landfills required to pay the levy will also conduct regular volumetric surveys, either on a bi-annual or annual basis.

Consultation feedback also highlighted the potential for levy avoidance and rorting with the current approach (Option 1), but also identified risks with Options 2 and 3.

To minimise potential avenues for rorting under Option 2, the following requirements are proposed under the WARR Levy Regulations (with penalties for non-compliance):



- a licensee must ensure there is a weighbridge installed at their facility
- a licensee must ensure that each vehicle that enters the licensed landfill is weighed on the weighbridge when leaving the site
- a licensee must record specific details for each vehicle entering and leaving the site, including (but not limited to) the amount of waste (in tonnes), amount of leviable waste (in tonnes), type of waste, source of the waste, delivery vehicle registration numbers, and destination of the waste
- a licensee must submit for approval a plan of the landfill site indicating the proposed vehicle flow controls, including the entry and exit points where waste is transported into and out of the facility
- a licensee must take all reasonable steps to ensure the weighbridge is properly maintained and in working order, and is verified under the *National Measurement Act 1960* at least once per year
- a licensee must notify the CEO (the department's Director General) if the weighbridge is not operating for a period of more than 24 hours within the following three days.

Other offences may be required to ensure that mandatory weighbridge requirements are effective. For example, additional requirements relating to record-keeping and the reporting of waste data relating to weighbridge use.

Please note the new compliance and enforcement powers also proposed in [Closing the loop: Waste reforms for a circular economy](#) which will support the detection of illegal waste disposal.

Further information on waste reform projects being progressed by the department is available at [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au).

## 5 Appendices

### Appendix A - Submissions received

Thirteen formal submissions were received from the following organisations and individuals during the public consultation process:

Submitting party
Alcoa
ASK Waste Management Consultancy Services
Cement Concrete & Aggregates Australia
Chamber of Minerals and Energy
Kwinana Industries Council
Northern Star Resources Limited
Shire of Beverley
Shire of Boddington
Shire of Merredin
WA Limestone
Waste Management and Resource Recovery Association Australia
Waste and Recycling Industry Association of Western Australia
Western Australian Local Government Association