



Fact sheet

Waste levy exemption 5(2) - Exemption from the requirement to weigh waste on a weighbridge

Overview

The *Waste Avoidance and Resource Recovery Levy Act 2007* (WARR Levy Act) and the *Waste Avoidance and Resource Recovery Levy Regulations 2008* (WARR Levy Regulations) provide for a levy to be paid for waste (waste levy) received at licensed landfills in the metropolitan region and waste collected within the Perth metropolitan region that is received at licensed landfills outside of the metropolitan region.

Regulation 8 of the WARR Levy Regulations stipulates that all waste received at a category 64 or 65 licensed landfill with a weighbridge, for disposal to landfill, must be weighed on the weighbridge at the time of delivery.

Regulation 5(2) of the WARR Levy Regulations allows licensees of landfills licensed under category 64 or 65 of Schedule 1 of the *Environmental Protection Regulations 1987* to claim, by application, an exemption from the requirement under regulation 8 to use a weighbridge to weigh waste that is received for disposal at the landfill.

Exemption from using a weighbridge

The exemption applies to category 64 and 65 landfills that have a weighbridge. The exemption is not required for landfills that do not have a weighbridge.

One reason a licensee may seek an exemption from the requirements to use the weighbridge is if a landfill's weighbridge is temporarily non-operational due to breakdown or maintenance.

In this scenario, the licensee should provide an explanation of why the weighbridge is not operational, how the situation is being rectified and the estimated timeframe for returning the weighbridge to operation.

To apply for this exemption, the licensee must complete and submit to the Department of Water and Environmental Regulation (the department) the approved [application form](#) and provide the information referred to in that form.

Am I required to have a weighbridge to receive leviable waste?

No, the WARR Levy Regulations do not currently require that all landfills have a weighbridge. However, the WARR Levy Regulations do require that category 64 or category 65 landfills that have a weighbridge must use it for the purpose of determining the amount of levy which is payable.

Approved manner for estimating weight of waste if exemption granted or no weighbridge

Under regulation 9, if the licensee is granted an exemption under regulation 5(2) from the requirement to use a weighbridge or if a category 64 or category 65 landfill does not have a weighbridge, the licensee must estimate the weight of waste disposed of to landfill at the site during the exemption period using the approved manner and use the estimated volumes to determine the amount of levy payable. This estimated amount must be used on the relevant levy return.

For further information please refer to the [Approved manner for estimating volume or weight of waste received at and disposed of to landfills](#).

When should I apply for this exemption?

If you are applying for this exemption because your weighbridge is not operational then you should submit an exemption application as soon as you are aware that your weighbridge is not operational. If you are aware in advance that your weighbridge will be temporarily unavailable, such as during scheduled maintenance, it is recommended that you submit your exemption application as early as possible.

How do I apply for this exemption?

The licensee of a category 64 or 65 landfill can apply to the department for an exemption under regulation 5(2) by completing the approved [application form](#) and submitting it to wastelevy@dwer.wa.gov.au.

How is an exemption application assessed?

The Chief Executive Officer (CEO) of the department, or their delegate, will assess the information provided in the approved form to determine if it meets the requirements of the exemption under the WARR Levy Regulations. Following this assessment, the CEO will grant or refuse to grant an exemption.

Conditions of exemptions

If an exemption application is granted, the licensee will be issued with an exemption notice. The exemption may be subject to conditions or limited to circumstances set out in the notice. Regulation 5(5A) of the WARR Levy Regulations specifies examples of conditions that may be imposed.

What happens if a condition of an exemption is breached?

Under regulation 5(6) of the WARR Levy Regulations, the exemption ceases to have effect if any condition of an exemption notice is breached.

Will I be notified of the outcome of my application?

If the CEO decides to approve an exemption application, the licensee will receive a written notice of this decision.

If the CEO intends to refuse an exemption application, the licensee will be provided with a draft decision document outlining the reasons why the CEO intends to refuse the application. The licensee will generally have 21 business days to respond to the draft decision document before the CEO makes a final decision.

While the time required to assess an exemption application varies, generally a decision will be made within 30 business days following the receipt of a complete application.

Can I appeal an exemption decision?

If the CEO refuses an exemption application or imposes conditions or limitations that the licensee does not agree with, the licensee may apply to the State Administrative Tribunal (Tribunal) for a review of the decision.

An application for review of the CEO's decision is made to the Tribunal directly. Information about applying to the Tribunal is available [online](#).

How long does an exemption last?

All exemption notices will specify the period for which the exemption is valid. The validity period specified in the exemption notice will vary depending upon the circumstances of the exemption.

An exemption ceases to have effect at the conclusion of the validity period or immediately if an exemption condition is breached.

More information

Please contact the department on 6364 6963 for further advice on waste levy exemptions or related matters.

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

Effective February 2021.

Related documents (if applicable)

Additional publications about waste levy exemptions are available [online](#).

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 Western Australian Legislation for copies of the relevant legislation, available electronically from the Parliamentary Counsel's Office [website](#).

Disclaimer

The information contained in this document is provided by the department in good faith as a public service. However, the department does not guarantee the accuracy of the information contained in this document and it is the responsibility of recipients to make their own enquiries as to its accuracy, currency and relevance. The State of Western Australia, the department and their servants and agents expressly disclaim liability, in negligence or otherwise, for any act or omission occurring in reliance on the information contained in this document or for any consequence of such act or omission.

Limitation

The Government of Western Australian is committed to providing quality information to the community and makes every attempt to ensure accuracy, currency and

reliability of the data contained in this document. However, changes in circumstances after the time of publication may impact the quality of information. Confirmation of the information may be sought from the relevant originating bodies or the department providing the information. The department and the State of Western Australia reserve the right to amend the content of this document at any time without notice.

Legal advice

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