



# Review of r.18D CEO Notices under the Waste Avoidance and Resource Recovery Regulations 2008

Consultation Summary Report

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April 2025

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### **Acknowledgements**

The Department of Water and Environmental Regulation would like to thank the following for their contribution to this publication.

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# 1 Introduction

This report summarises submissions received from public consultation on the review of the Chief Executive Officer (CEO) Notices for liable persons that are issued under regulation 18D of the Waste Avoidance and Resource Recovery Regulations 2008 (WARR Regulations).

The review included proposed amendments to the information required to be reported and procedures to be followed by local governments, non-metropolitan landfill and recyclers under the CEO Notices.

The proposed amendments were developed with the following objectives:

- improve compliance with reporting requirements by simplifying the CEO Notices and approved procedures
- remove unnecessary reporting requirements
- align with national standards to enhance data sharing and benchmarking across jurisdictions
- ensure waste to energy data is efficiently collected.

## 2 Background

'Liable persons' are required to report waste and recycling data annually to the CEO of the department in accordance with approved procedures under Part 3A of the WARR Regulations.

Mandatory waste data reporting under these regulations has allowed for better capture and improved consistency of waste and recycling data in WA. The reported waste data are collated and published annually on the Waste Authority website. The data are used by government to track progress against the targets in the Waste Avoidance and Resource Recovery Strategy 2030 and to inform policies and strategies related to resource recovery.

Regulation 18D under Part 3A of the WARR Regulations requires the Department of Water and Environmental Regulation's (the department) CEO to publish a description of the information required to be reported by liable persons and the procedures to be followed by these persons when making the records and calculating or estimating the information.

In accordance with r.18D, a CEO notice for each liable person type defined in the regulations has been gazetted. Liable persons are liable recyclers, liable non-metropolitan landfills and liable local governments.

The current CEO notices were developed in consultation with industry stakeholders before they were finalised and gazetted in June 2019. Since publication, the policy and strategic framework under which the data are collected and used has changed necessitating review.

### 3 Consultation

The draft CEO notices and procedures for local governments, recyclers and non-metropolitan landfills were released for comment for 12 weeks from 8 November 2024 to 31 January 2025. An information paper was provided for guidance.

Submissions were received via an online survey or email.

To support consultation on the discussion paper, two online information sessions for recycler and local government stakeholders were conducted on 26 November 2024. A briefing with the Western Australian Local Government Association was also held on 27 November 2024.

## 4 Submissions

Twenty-one submissions were received with six emailed responses and 15 online surveys completed. Responses were received from 15 local governments (63 per cent), 8 recyclers (33 per cent) and one non-metropolitan landfill (4 per cent).

Stakeholders were generally supportive of the proposed amendments to the CEO Notices and procedures. The following matters were raised by stakeholders as issues to be considered in finalising the CEO Notices and approved procedures. These are summarised below.

The department's response to all issues raised are provided in Appendix A.

A list of organisations and individuals providing a submission is at Appendix B

### 4.1 Amendments to CEO notice for liable recyclers

#### 4.1.1 New data field - productive use of final products (amendment 4.3)

A new field was proposed to capture data on the productive use of final products recovered from waste. Three respondents did not support the inclusion of this data field. Of those respondents, two were reporters who would not be impacted by this change, and the other respondent did not provide any context for their response.

Another respondent identified that the proposed categories did not sufficiently capture contamination.

##### 4.1.1.1 Response to submissions and recommendation

There were no issues identified by respondents to consider the removal of this requirement. The inclusion of the productive use field will improve the quality of information about the use of recovered material. The new field will remain in the updated CEO Notice.

### 4.2 Amendments to CEO notice for liable local governments

#### 4.2.2 New fields - number of mandatory multi-unit and single-unit dwellings provided with a service (amendments 5.2 and 5.3)

These new fields were proposed to improve the quality of the waste and recycling data and replaced an existing field in the CEO Notice. Ten responses were received in relation to these proposed new fields. Most of the responses were seeking clarity about definitions and the intent of the new fields.

One respondent from a shire with a small population stated that the shire did not have the staff resources to report against this field.

#### 4.2.2.2 Response to submissions and recommendation

To clarify the intent of the new fields, the wording for amendment 5.2 will be changed to 'Number of dwellings provided with own separate bin service' and the wording for amendment 5.3 will be changed to 'Number of dwellings provided with a shared bin service' in the updated CEO Notices.

The department recognises that local governments with smaller populations do not necessarily have the resources available to collect and report all information required under the CEO Notice. There are reduced reporting requirements under special provisions for local governments with a population of less than 1,500.

#### 4.2.3 New data field - proportion of waste collected from commercial premises (amendment 5.6)

This field was proposed to simplify other reporting requirements about waste services provided to commercial premises. Four respondents told us that they will have some degree of difficulty reporting against this requirement.

##### 4.2.3.3 Response to submissions and recommendation

Clause 5 of the approved methods provides a way of estimating the proportion of waste from combined domestic and commercial collections. Where available, more accurate estimation methods can be used by local governments (LGs) under clause 9 Alternative methods. The new field will remain in the updated CEO Notice.

#### 4.2.4 New field - waste from local government activities (amendment 5.7)

A new field was proposed to report waste data generated from LG activities to align with the *Australian standard for waste and resource recovery data and reporting*. Stakeholders identified that accurate data may be difficult to obtain as waste generated by specified activities is currently not always measured or weighed.

##### 4.2.4.4 Response to submissions and recommendation

The department acknowledges the difficulty in reporting against the proposed new field, particularly for waste generated from illegal dumping and parks and gardens. The department's position is to remove reporting requirements where it is difficult for LGs to directly measure or estimate weight or direct third parties to provide this data.

The requirement to report on this new field has been removed from the CEO Notice.

#### 4.2.5 Remove reporting requirements - recovered materials (amendment 5.8)

It was proposed to remove the requirement to report the weight of waste recovered by material category for each waste service. This data has been poorly reported and relies on third-party data. Three responses were received about this proposal – one in support, one neutral response and one response suggesting that if the existing systems are in place to collect and report this data, that it may be in the public interest to retain this requirement.



#### **4.2.5.5 Response to submissions and recommendation**

The department will continue to collect the composition of mixed recovery streams but the data will only be sourced from recyclers rather than also from LGs. Local governments may also elect to continue to collect and report this data to their ratepayers separately to their annual waste data return.

The requirement to report on this field will be removed from the CEO Notice.

#### **4.2.6 Approved procedures - default sources for multi-unit dwellings (MUDs)**

Local governments are required to report the proportion of waste collected from commercial premises. For MUDs that include commercial spaces, it was proposed that the default proportion of 75 per cent of waste from domestic sources and 25 per cent from commercial sources could be used. One respondent said that, in their LG area, the proportion of commercial sources in these buildings was 12 per cent.

##### **4.2.6.6 Response to submissions and recommendation**

In the absence of other supporting information, the default proportions of 90 per cent of waste from domestic sources and 10 per cent from commercial sources for MUDs will be adopted in the updated CEO Notice, approved procedures.

## 5 Next steps

The submissions provided during consultation will be used in the finalisation of the CEO Notices and approved procedures. It is anticipated that the CEO Notices and approved procedures will be gazetted in June 2025. Liable persons will be expected to report using the updated CEO Notices for the 2025–26 reporting period with returns due by 1 October 2026. Data required for new fields will be required to be collected from 1 July 2025.

The LG and recycler approved forms in Waste Data Online will be modified to incorporate the proposed changes.

# Appendices

## Appendix A Response to submissions

Type and amendment #	Amendment description	Theme	Department position	Department action type
Recycler 4.1	New data field – total processing capacity	There are barriers such as staff resources, manual separation of unsorted loads and no accurate mechanism to identify the volume or weight of material recovered by category	<p>Total processing capacity is the maximum quantity of material that can be processed. It is not a measurement of the amount of material throughput received in the reporting period.</p> <p>Total processing capacity would only be required for the broader material categories processed such as construction and demolition (C&amp;D) waste, organics and plastics rather than individual material types.</p> <p>The inclusion of this category will reduce additional ad hoc requests for this data field by the department.</p> <p>Further guidance and training will be provided to reporters.</p>	Guidance/training
Recycler: 4.3	New data field – productive use of final products	Recovered glass claimed as recycled is often contaminated. The proposed categories do not capture this contamination	The inclusion of the productive use categories will improve the quality of information about the use of recovered materials. The categories have been chosen to strike a balance between richer data and minimising reporting burdens.	None

Type and amendment #	Amendment description	Theme	Department position	Department action type
Recycler: 4.3	New data field – productive use of final products	Inclusion of new field not supported	Three respondents did not support the inclusion of this new field. Two of those respondents were reporters who would not be impacted by this change, and the other respondent did not provide any context for their response.	None
Local government: 5.1	New waste fate – waste recovered as energy	Dependent on availability of third-party data	Issue to be addressed in guidance.	Guidance/training
Local government: 5.2	New mandatory field – number of single-unit dwellings (SUDs) provided with a service	Clear definition of MUDs and SUDs for the purposes of reporting required. Many MUDs receive same service as SUDs	Change wording to ‘number of dwellings provided with own, separate bin’.	Update draft CEO Notice
Local government: 5.2	New mandatory field – number of single-unit dwellings provided with a service	Don’t currently distinguish between services	One of these respondents is from a shire with a small population that is unlikely to be impacted by this requirement.  Clearer definitions will help the other respondent with implementing a process to collect this data.	None
Local government: 5.3	New mandatory field – number of multi-unit dwellings (MUDs) provided with a service	Clear definition of MUDs for the purposes of reporting required. Many MUDs receive same service as SUDs. Might be better to use ‘shared service’	Change wording to ‘number of dwellings provided with a shared bin’.	Update draft CEO Notice
Local government: 5.3	New mandatory field – number of multi-unit dwellings provided with a service	Don’t currently distinguish between services	One of these respondents is from a shire with a small population that is unlikely to be impacted by this requirement.  Clearer definitions will help the other respondent with implementing a process to collect this data.	None

Type and amendment #	Amendment description	Theme	Department position	Department action type
Local government: 5.4	New mandatory field – primary destination facility	Will this be a drop down or type field?	Issue to be addressed in guidance and/or training materials.	Guidance/training
Local government: 5.6	New data field – proportion of waste collected from commercial premises	Difficulty in estimating proportion of waste collected from commercial premises	Clause 5 of the approved methods provides way of estimating combined domestic and commercial collections. Where available, more accurate estimation methods can be used by LGs under clause 9 Alternative methods.	None
Local government: 5.7	New field – waste from local government activities	Accurate data may be difficult to obtain as waste generated by the specified activities is currently not always measured or weighed	<p>It is apparent from the responses that some LGs will have difficulty reporting against this new field, particularly about wastes from illegal dumping and parks and gardens.</p> <p>The department's position is to remove reporting requirements where it is difficult for LGs to directly measure or reasonably and consistently estimate waste tonnes.</p> <p>The requirement has been removed from the CEO Notice.</p>	Remove from amendments
Local government: 5.8	Remove reporting requirements – recovered materials	Reduction in recovery data available	Recovery data will still be collected but the composition of mixed recovered materials will no longer be required to be reported by LGs. This data will continue to be collected by the department from recycling facilities. LGs may also elect to continue to collect and report this data to their ratepayers separately to their annual waste data return.	None

## Appendix B Submissions received

Submitting party
City of Bayswater
City of Canning
Town of Port Hedland
Resource Recovery Group
Town of Cottesloe
Shire of Gnowangerup
Shire of West Arthur
City of Kwinana
Waglass Pty Ltd
City of Belmont
Town of Bassendean
Shire of Ravensthorpe