INFOPAGE

WALGA

To:	Chief Executive Officer	From:	Rebecca Brown Manager Waste & Recycling
Organisation:	All Councils	Date:	17th July 2008
Reference:	05-062-03-0001		
Subject:	Waste Avoidance and Resource Recovery (WARR) Act 2007 and WARR Levy(WARRL) Act 2007		

IN BRIEF

Operational Area:	Waste Management
Key Issues:	• Levy implication for Metropolitan and Non-Metro Landfill Sites (including Fee Schedule) • Impacts of the WARR Acts and WARR Regulations on Local Government • GST Determination by Australian Government
Action Required:	Information Only

The *Waste Avoidance Resource Recovery (WARR) Act 2007* and the *Waste Avoidance and Resource Recovery Levy (WARRL) Act 2007* passed through Parliament in December 2007, and were fully proclaimed on 1 July 2008. The purpose of this info page is to inform all Local Governments of the consequences arising for waste management from the replacement of provisions within the *Health Act 1911* with the *WARR Act 2007, WARRL Act 2007* and its associated *WARR Act Regulations 2008* and *WARRL Act Regulations 2008*.

Metropolitan Landfill Sites

The WARR Levy Regulations 2008 apply to landfill sites in the Perth Metropolitan area. The implication for Local Governments disposing of and/or accepting waste at landfills within the metropolitan area is as follows:

- Waste received from a metropolitan area – Levy to be paid (as per Fee Schedule)
- Waste sent to another metropolitan landfill site – Levy to be paid (as per Fee Schedule)
- Waste received from non-metro areas – Levy to be paid (as per Fee Schedule)

Non-Metro Landfill Sites

The implication for Local Governments disposing and/or accepting waste generated in the non-metropolitan area is as follows:

- Waste received from a metropolitan area – Levy to be paid (as per Fee Schedule)
- Waste generated in a non-metropolitan area and then sent to a metropolitan landfill site – Levy to be paid (as per Fee Schedule)
- Waste generated in non-metro areas – No Levy applies

All Local Governments should have received correspondence from the Waste Authority regarding the potential for inclusion of the non-metropolitan area in the Levy application. WALGA understands there is to be consultation on this issue. Further information on the consultation will be provided as it becomes available.

WARR Levy Regulations 2008 Fee Schedule

The WARR Levy Regulations 2008 fee schedule for category 64 and 65 landfill premises has been set as follows:

- $7/ tonne until 1 July 2009;
- $8 / tonne until 1 July 2010;
- $9/ tonne after 1 July 2010.

The WARR Levy Regulations 2008 fee schedule for category 63

- $3/ cubic metre, no fixed term indicated (the Waste Authority indicated it will be for the next six months pending review).

WALGA is of the understanding that further consultation with the sector will occur on the Category 63 Levy. A forum is scheduled for Tuesday 9 September (3:00 – 5:30pm) more details will be available from the Waste Authority Website www.zerowastewa.com.au

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Impacts of the WARR Acts and WARR Regulations on Local Government

There are no immediate or dramatic changes required in response to the *WARR Act 2007,* however, it is anticipated that in the mid term changes will result. This will be due to the development of a State Waste Strategy, legislative heads of power for Extended Producer Responsibility and the new statutory Waste Authority.

Waste Plans: In the *WARR Act 2007*, there is the power for the CEO of the Department of Environment and Conservation (DEC) to require Local Government to develop a Waste Plan. These plans would form part of the Local Governments "plan for the future" under the *Local Government Act 1995* section 5.56. Local Government would not receive any funding to develop these plans.

Strategic Waste Management Plans (SWMP): The development of these plans is not covered by the WARR Act, however, they have been included here as they are relevant to the above point on Waste Plans. SWMP's are voluntary, funded, strategic waste management plans. The development of the Plans is funded through the Zero Waste Development Scheme. The intent of this process was that if a local government has a SWMP, then they will have covered the requirements of a Waste Plan under the WARR Act.

Waste Collection Permits: Can potentially be issued by the CEO of the DEC for the collection of Local Government waste, by entities other than the Local Government or their approved contractor, in the event that the Local Government does not provide a waste collection service or if the service provided is "not adequate insofar as the waste management techniques employed are not consistent with modern practice" *(WARR Act 2007,* section 56*)*. No determination has yet been made regarding what 'modern practice' means, but it is likely that it will be linked to the development of 'Codes of Practice' *(WARR Act 2007,* section 52*).*

Local Laws made by any Local Government under the relevant section of the *Health Act 1911* in relation to waste services, continues to be of effect as if it were made under the WARR Act 2007 and may be amended or repealed accordingly. (*WARR Act 2007* Schedule 5)

Fees and Charges are still valid and remain effective. Any charge fixed under the *Health Act 1911* imposed per waste receptacles, or fee or charge for the removal of refuse fixed by resolution by a Local Government, continues to be of effect as if it were a fee or charge imposed by the WARR Act 2007 or prescribed by a local law. (*WARR Act 2007* Schedule 5)

GST Determination by Australian Government – Gazetted 1 July 2008

There is no GST to be paid either on Local Government waste services coming under the WARR Act 2007, or on Local Government's establishment fee/establishment charge for compulsory rubbish collection service pursuant to the *Local Government Act 1995*.
The Australian Government gazetted on 1 July 2008, a GST determination which granted WA Local Governments (Schedule 1 Part 5) a GST exemption for the following:

Item	Australian tax, fee or charge	*Australian law*	Notes
34.14	Waste Service Charges	*Waste Avoidance and Resource Recovery Act 2007*	Fee for the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste by local government
34.26	Waste Receptacle Charges	*Waste Avoidance and Resource Recovery Act 2007*	Fee for the provision of waste receptacle and the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste by local government
34.37	Establishment fee	*Local Government Act 1995*	Establishment charge for compulsory rubbish collection service

Further Information

Copies of the *WARR Act 2007, WARR Levy Act 2007,* WARR and WARR Levy Regulations 2008, can be accessed from the WasteNet website www.wastenet.net.au. It is anticipated further information on the Acts and the Regulations will also be available from the Waste Authority website www.zerowastewa.com.au .

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