



Western Australia

Waste Avoidance and Resource Recovery Regulations 2008

Compare between:

[18 Jun 2016, 00-e0-01] and [29 Jun 2019, 00-f0-00]

Waste Avoidance and Resource Recovery Regulations 2008

Part 1 — Preliminary

1. Citation

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

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2008.

3. Term used in these regulations

In these regulations —

approved means approved by the CEO in writing.

4. Extended meaning of “local government waste”

Waste generated by the operations of a local government is prescribed as local government waste for the purposes of paragraph (b) of the definition of “local government waste” in section 3(1) of the Act.

Part 2 — Waste collection permits

5. Advertisement for applications

- (1) Subject to subregulation (3), if the CEO proposes to issue a waste collection permit, the CEO must advertise the proposal, inviting any person who wishes to apply for the permit to do so within the period specified in the advertisement.
- (2) The advertisement must be published in a newspaper circulating in the local government district in relation to which the waste collection permit is proposed to be issued.
- (3) If the CEO is of the opinion that there is an urgent need to issue a waste collection permit in order to remove the risk of harm to human health or the environment, the CEO is not required to comply with subregulation (1) but must invite not less than 3 potential applicants to apply for the permit.
- (4) An invitation under subregulation (1) or (3) to apply for a waste collection permit must include the following information, or specify where that information can be found —
 - (a) the area or premises where the collection of local government waste is required;
 - (b) the nature of the local government waste to be collected;
 - (c) the nature of the waste service (including the standard to be achieved);
 - (d) the required frequency of the waste service.

6. Application for waste collection permit

- (1) An application for a waste collection permit must —
 - (a) be made in the approved manner and form; and
 - (b) be accompanied by an application fee of \$275; and
 - (c) include an undertaking to provide the required waste service if the permit is issued to the applicant; and

- (d) include details of the following —
 - (i) how the waste will be collected;
 - (ii) how the waste collected will be dealt with;
 - (iii) the proposed mechanisms and amounts of charges for the waste service;
 - (iv) the impact of the proposed waste service on existing waste services to other premises in the local government district;
 - (v) the extent to which, and the means by which, the applicant proposes to use resources such as plant, equipment and staff that were used by the local government to provide waste services in the local government district;
 - (vi) how the applicant proposes to meet the standards set by the CEO in respect of the waste service and the frequency of the waste service;
 - (vii) any other information relevant to the application that the CEO reasonably requires.
- (2) The CEO must decline to deal with an application that does not comply with subregulation (1) and advise the applicant accordingly.
- (3) Before issuing a waste collection permit the CEO must, in addition to the consultation required under section 58 of the Act, seek and have regard to any recommendations and advice on the issue of the permit from —
 - (a) any person that —
 - (i) pursuant to a contract provides a waste service on behalf of the local government in the district in relation to which the waste collection permit is to be issued; and
 - (ii) will, in the opinion of the CEO, be directly affected by the issue of the waste collection permit;

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and

- (b) any public authority that, in the opinion of the CEO, will be directly affected by the issue of the waste collection permit.
- (4) If an application complies with subregulation (1), the CEO must, after consultation as required under section 58 of the Act and subregulation (3) —
- (a) issue the waste collection permit; or
 - (b) refuse to issue the waste collection permit.
- (5) Subject to section 56(2) of the Act, the CEO is to issue the waste collection permit to the applicant the CEO considers to be the most acceptable having regard to —
- (a) the waste strategy, the business plan and the relevant waste plan; and
 - (b) the ability of the applicant to provide the required waste service; and
 - (c) the value of, and charges for, the waste service the applicant proposes to provide.
- (6) If the CEO refuses to issue a waste collection permit to an applicant, the CEO must give the applicant written notice of the refusal.

[Regulation 6 amended: Gazette 1 Jul 2011 p. 2718-19.]

7. Waste collection permit conditions

- (1A) In this regulation —
specified means specified in the waste collection permit.
- (1) A waste collection permit may be issued or renewed subject to such conditions as the CEO considers necessary or convenient for the purposes of the Act.

- (2A) Without limiting subregulation (1), the conditions to which a waste collection permit may be subject include the following —
- (a) that the permit operates in respect of a specified area;
 - (b) that the permit holder must collect waste at a specified frequency or at specified dates and times;
 - (c) that the permit holder must collect all, or specified categories of, waste in a specified manner or in containers of a specified type;
 - (d) that the permit holder must keep specified records as to the quantity and type of waste collected;
 - (e) that the permit holder must provide reports to the CEO as to the manner in which waste is collected and the quantity and type of waste collected as requested by the CEO;
 - (f) that the permit holder must comply with a specified code of practice made by the Waste Authority under section 52 of the Act.
- (2) The CEO must not attach a condition that would, in the CEO's opinion, be seriously at variance with the waste strategy or the current business plan.
- (3) The holder of a waste collection permit who contravenes a condition to which the permit is subject (other than a condition to which section 71(2) of the Act applies) commits an offence.
- Penalty for this subregulation: a fine of \$10 000.

[Regulation 7 amended: Gazette 1 Jul 2011 p. 2719-20; 17 Jun 2016 p. 2091.]

8. Amendment of waste collection permit

- (1) The CEO may amend a waste collection permit by —
- (a) removing or varying any condition to which the permit is subject; or
 - (b) subjecting the permit to a new condition; or

- (c) correcting in the permit —
 - (i) a clerical mistake or unintentional error or omission; or
 - (ii) a figure which has been miscalculated; or
 - (iii) the misdescription of any person, thing, area, property or activity;or
 - (d) making an administrative change to the format of the permit which does not alter the obligations of the permit holder; or
 - (e) amending the permit in conformity with an exemption conferred under this Act; or
 - (f) extending the duration of the permit.
- (2) A waste collection permit may be amended on application by the holder of the permit or on the initiative of the CEO.

9. Renewal of waste collection permit

- (1) The holder of a waste collection permit may apply to the CEO to renew the permit.
- (2) The application must be made before the waste collection permit expires.
- (3) Regulation 6 applies, with any necessary changes, to an application under this regulation.

10. Surrender of waste collection permit

- (1) The holder of a waste collection permit may apply to the CEO to surrender the permit.
- (2) The CEO may, on an application under subregulation (1), accept the surrender of the permit if the CEO is satisfied that there are alternative arrangements reasonably available to ensure that waste collection in the area in which the permit operates is adequate and consistent with modern practice.

- (3) A waste collection permit ceases to have effect from the day on which the CEO accepts the surrender of the permit.

[Regulation 10 inserted: Gazette 1 Jul 2011 p. 2720.]

11. Manner of amendment

- (1) An application for an amendment to a waste collection permit or to surrender a waste collection permit is to —
- (a) be made in the approved manner and form; and
 - (b) be accompanied by a fee of \$100; and
 - (c) be supported by any documents and information required by the CEO.
- (2) Before amending, or refusing to accept the surrender of, a waste collection permit the CEO must give the holder of the permit a written notice under this regulation.
- (3) The notice must —
- (a) state details of the proposed action; and
 - (b) invite the holder to make representations to the CEO to show why the action should not be taken; and
 - (c) state the period (at least 28 days after the notice is given to the holder) within which representations may be made.
- (4) The representations must be made in writing.
- (5) The CEO may take the proposed action —
- (a) at any time after the holder of the waste collection permit gives the CEO written notice that the holder does not intend to make any representations or any further representations; or
 - (b) if such notice is not given, after the end of the period stated in the notice within which representations may be made.

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- (6) The CEO must consider any representations properly made by the holder of the waste collection permit.
- (7) The CEO must give the holder of the waste collection permit written notice —
 - (a) of any amendment of the permit; or
 - (b) if the CEO refuses to accept the surrender of the permit.
- (8) Without limiting subregulation (7), notice of an amendment can be given in the form of a revised waste collection permit.

[Regulation 11 amended: Gazette 1 Jul 2011 p. 2720; 23 Sep 2011 p. 3814.]

12. Local government to be notified of decisions in relation to waste collection permit

When the CEO issues, renews, amends, or accepts the surrender of, a waste collection permit the CEO must notify the local government in the district of which the waste collection is carried out.

[Regulation 12 amended: Gazette 1 Jul 2011 p. 2721.]

13. Particulars of permits to be recorded

- (1) The CEO must keep a record of the following particulars for waste collection permits —
 - (a) the name and address of the permit holder;
 - (b) the waste service to which the permit relates;
 - (c) the conditions to which the permit is subject;
 - (d) the period during which the permit is in force.
- (2) The CEO must publish all of the particulars referred to in subregulation (1), other than the address of the permit holder, for permits that are in force —
 - (a) in a newspaper circulating daily in the State; and

- (b) on the ~~department's~~ [Department's](#) website ~~on the internet.~~

[\[Regulation 13 amended: Gazette 28 Jun 2019 p. 2511.\]](#)

Part 3 — Landfill levy

14. Terms used in this Part

(1) In this Part —

liable person means a person who is —

- (a) a licensee; or
- (b) the occupier of the premises that would, if the person held a licence in respect of the premises as required under the EP Act, be a licensed landfill;

licensed landfill means premises specified in category 63, 64 or 65 of the *Environmental Protection Regulations 1987* Schedule 1 in respect of which a licence is held;

licensee means the holder of a licence in respect of a licensed landfill;

return period means —

- (a) in the case of a person who on 1 July 2008 is a liable person, the following periods —
 - (i) 1 July — 30 September;
 - (ii) 1 October — 31 December;
 - (iii) 1 January — 31 March;
 - (iv) 1 April — 30 June;and
- (b) in the case of a person who after 1 July 2008 becomes a liable person, the following periods —
 - (i) the period beginning on the date the person becomes a liable person and ending on the September 30, December 31, March 31 or June 30 immediately next following, whichever is the sooner;
 - (ii) each 3 month period next following the period referred to in subparagraph (i).

- (2) A reference in this Part to a category followed by a designation is a reference to the category so designated in the first column of the *Environmental Protection Regulations 1987* Schedule 1.

15. Financial assurance — payment of levy

- (1) Each licensee (other than a local government) must provide to the CEO, in accordance with subregulation (3), a financial assurance —
- (a) in an approved manner and form; and
 - (b) that secures or guarantees payment of an amount determined by the CEO, being an amount that in the opinion of the CEO is equivalent to the average levy to be paid by the liable person in a return period.

Penalty for this subregulation: a fine of \$10 000.

- (2) The CEO may permit the financial assurance to be paid in monthly instalments over a period of 3 months.
- (3) The financial assurance, or the first monthly instalment of the financial assurance, as the case requires, must be provided to the CEO not later than 2 weeks after the licence is granted.
- (4) The CEO may call on or use the financial assurance and pay the moneys into the WARR Account if the levy is not paid by the licensee in accordance with regulation 18.
- (5) A licensee in respect of whom a financial assurance under the *Environmental Protection Regulations 1987* regulation 28 is current on the day this regulation comes into operation is taken to have provided a financial assurance under this regulation on the same terms and conditions.

[Regulation 15 amended: Gazette 17 Jun 2016 p. 2091.]

16. Maintenance and review of financial assurance

- (1) A person that provides a financial assurance under regulation 15 must maintain the financial assurance in accordance with any

requirements of the CEO of which the person has been given written notice.

Penalty for this subregulation: a fine of \$10 000.

- (2) The CEO must review the amount of a financial assurance not later than 12 months after it is provided and not later than 12 months after each time it is last reviewed.
- (3) The CEO may at any time, by written notice —
 - (a) require a person that has provided a financial assurance under regulation 15 to increase the amount of the financial assurance provided; or
 - (b) permit a person that has provided a financial assurance under regulation 15 to reduce the amount of the financial assurance provided,

if the CEO thinks it is appropriate to do so.

- (4) A person must comply with a requirement in a notice given to the person under subregulation (3)(a).

Penalty for this subregulation: a fine of \$10 000.

[Regulation 16 amended: Gazette 17 Jun 2016 p. 2091.]

17. Records

- (1A) In this regulation —

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

- (1) Upon receiving waste at a licensed landfill, the licensee must make a record in accordance with this regulation.
- (2) The record must be in an approved form and must show the following —
 - (a) the time and date of the delivery;
 - (b) the name and licence number of the licensee;

- (c) in the case of a category 63 licensed landfill, each of the following that is applicable in the case —
 - (i) the volume of waste disposed of to landfill calculated under regulation 10(7) of the Levy regulations;
 - (ii) the volume of exempt waste estimated by the licensee under regulation 10(8) of the Levy regulations;
 - (iii) the volume of waste disposed of to landfill estimated by the licensee under regulation 12A(2)(a) of the Levy regulations;
 - (iv) the volume of exempt waste estimated by the licensee under regulation 12A(2)(b) of the Levy regulations;
- (d) in the case of a category 64 or 65 licensed landfill, each of the following that is applicable in the case —
 - (i) the weight of waste weighed under regulation 8(2) of the Levy regulations;
 - (ii) the weight of exempt waste weighed under regulation 8(2) of the Levy regulations;
 - (iii) the weight of waste disposed of to landfill estimated by the licensee under regulation 9(1) of the Levy regulations;
 - (iv) the weight of exempt waste estimated by the licensee under regulation 9(2A) of the Levy regulations;
- (e) a description of the type of waste;
- (f) the amount of levy payable in respect of the waste;
- (g) any other particulars relevant to the calculation or verification of the amount of the levy payable by the licensee that the CEO, by written notice to the licensee, requires the licensee to include.

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- (3) A licensee must keep any record made by the licensee under this regulation in a legible written form, or so as to be readily convertible into such a form, for a period of not less than 5 years from the day on which the record was made.
- (4) A licensee must, on the written request of an authorised person, make the records available to the authorised person in the manner, and within the time, specified in the request.
- (5) In subregulation (4) —
authorised person means a person appointed under the EP Act section 87 for the purposes of the Act and includes the CEO.
- (6) A licensee who —
 - (a) contravenes subregulation (1), (3) or (4); or
 - (b) makes a record under this regulation which is false [or misleading](#) in a material particular,

commits an offence.

Penalty for this subregulation: a fine of \$10 000.

[Regulation 17 amended: Gazette 1 Jul 2011 p. 2721; 23 Sep 2011 p. 3815; 17 Jun 2016 p. 2089-90 and 2091; [28 Jun 2019 p. 2512.](#)]

18. Return and payment of levy

- (1) The levy is payable —
 - (a) by a licensee not later than 28 days after the end of each return period; and
 - (b) in any other case, not later than 28 days after the liable person is notified in writing by the CEO that a levy of the amount specified in the notice is payable.
- (2) A licensee, from the details entered in the records referred to in regulation 17, must —
 - (a) make a return in the approved form in respect of each return period setting out details of waste received; and

(b) lodge the return with the CEO.

Penalty for this subregulation: a fine of \$2 000.

(3) The return must be accompanied by a remittance for the amount of the levy payable on the waste to which that return relates.

[Regulation 18 amended: Gazette 17 Jun 2016 p. 2090 and 2091.]

Part 3A — Annual return

[Heading inserted: Gazette 28 Jun 2019 p. 2512.]

18A. Terms used

In this Part —

annual return means the return required to be lodged by a liable person under regulation 18C(1);

liable person has the meaning given in regulation 18B;

licence means a licence under the EP Act Part V Division 3;

licensed landfill means premises specified in category 63, 64 or 65 of the *Environmental Protection Regulations 1987* Schedule 1 in respect of which a licence is held;

licensee means the holder of a licence in respect of a licensed landfill;

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

reportable waste means waste that is solid matter.

[Regulation 18A inserted: Gazette 28 Jun 2019 p. 2512.]

18B. Liable persons

- (1) If subregulation (2), (3) or (4) applies to a person, the person is a *liable person* for the purposes of this Part.
- (2) This subregulation applies to a local government that provides waste services.
- (3) This subregulation applies to a person that is the occupier of premises, whether or not the person holds a licence in respect of the premises —
 - (a) if reportable waste is treated, processed or sorted at the premises for the purposes of reprocessing, recycling or energy recovery; and
 - (b) if, as a result of that treatment, processing or sorting, at least 1 000 tonnes of reprocessed, recycled or recovered

material is produced in a financial year at the premises that —

(i) needs no further processing and is ready for use as a production input or a final product; or

(ii) is to be exported from the State.

(4) This subregulation applies to a licensee, or a person who is the occupier of premises (the *relevant premises*) that would, if the person held a licence in respect of the relevant premises, be a licensed landfill —

(a) if at least 20 000 tonnes of reportable waste is received in a financial year at the licensed landfill or the relevant premises; and

(b) if the licensed landfill is, or the relevant premises are, outside the metropolitan region.

(5) A person must inform the CEO in the approved form —

(a) if the person is a liable person under subregulation (2) — that the person is a local government that provides waste services; or

(b) if the person is a liable person under subregulation (3) or (4) — of the premises or licensed landfill in respect of which the person is a liable person.

[Regulation 18B inserted: Gazette 28 Jun 2019 p. 2512-14.]

18C. Liable persons to make and lodge annual return

(1) A liable person must make a return in the approved form and lodge it with the CEO on or before 1 October in each year.

(2) The annual return must contain information for the most recently completed financial year relating to reportable waste or the recycling of reportable waste, as required by the notice under regulation 18D(1).

[Regulation 18C inserted: Gazette 28 Jun 2019 p. 2514.]

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18D. CEO to give notice of information required for annual return

(1) The CEO must, by notice published in the *Gazette*, describe in detail —

(a) the information relating to reportable waste or the recycling of reportable waste that a liable person is required to provide in its annual return; and

(b) the procedures to be followed by a liable person for the purposes of —

(i) making the necessary records from which that information may be ascertained; and

(ii) calculating or estimating that information.

(2) A notice under subregulation (1) may apply to one or more specified liable persons or to a specified class of liable persons.

(3) The CEO may, by notice published in the *Gazette*, amend, or revoke and replace, a notice under subregulation (1), and the amended or replaced notice is taken to be a notice under that subregulation.

(4) Without limiting subregulation (1), a notice under that subregulation may describe information —

(a) that relates to recycling programmes or collection services for reportable waste that have been provided by a liable person; or

(b) that relates to reportable waste that has been reprocessed, recycled or recovered by a liable person; or

(c) that relates to reportable waste that has been received at landfill premises occupied by a liable person; or

(d) that the CEO otherwise reasonably requires from a liable person, in relation to reportable waste or the recycling of reportable waste, to support —

(i) the objects of the Act described in section 5(1) of the Act; or

(ii) the purpose of the waste strategy described in section 24 of the Act.

(5) A liable person must keep any record made in accordance with subregulation (1)(b)(i) in a legible written form, or so as to be readily convertible into such a form, for a period of not less than 5 years from the day on which the record was made.

(6) A notice published in the *Gazette* under subregulation (1) or (3) must also be published on the Department's website.

[Regulation 18D inserted: *Gazette* 28 Jun 2019 p. 2514-15.]

18E. Offences

(1) A liable person commits an offence if the person fails to inform the CEO under regulation 18B(5).

Penalty for this subregulation: a fine of \$10 000.

(2) A liable person commits an offence if the person fails to lodge an annual return with the CEO on or before the date referred to in regulation 18C(1).

Penalty for this subregulation: a fine of \$10 000.

(3) A liable person commits an offence if the person fails to lodge an annual return with the CEO that contains the information required by a notice under regulation 18D(1).

Penalty for this subregulation: a fine of \$10 000.

(4) A liable person commits an offence if the person lodges an annual return with the CEO that contains any information that is false or misleading in a material particular.

Penalty for this subregulation: a fine of \$10 000.

(5) A liable person commits an offence if the person makes a record in accordance with regulation 18D(1)(b)(i) that is false or misleading in a material particular.

Penalty for this subregulation: a fine of \$10 000.

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(6) A liable person commits an offence if the person contravenes regulation 18D(5).

Penalty for this subregulation: a fine of \$10 000.

[Regulation 18E inserted: Gazette 28 Jun 2019 p. 2516.]

[19. Deleted: Gazette 1 Jul 2011 p. 2721.]

Part 4 — Miscellaneous

20. Waste plans

For the purposes of section 40(3)(i) of the Act the following matters are prescribed —

- (a) an assessment of the significant sources of waste generated by the operations of the local government;
- (b) an assessment of the quantities and classes of waste generated by the operations of the local government;
- (c) an assessment of the services, markets and facilities for waste generated by the operations of the local government;
- (d) an assessment of the options for reduction, management and disposal of waste generated by the operations of the local government;
- (e) proposed strategies and targets for managing and reducing waste generated by the operations of the local government;
- (f) proposed strategies and targets for the efficient disposal of waste generated by the operations of the local government that cannot be recovered, reused or recycled;
- (g) an implementation programme that identifies the required action, timeframes, resources and responsibilities for achieving these strategies and targets.

21. Public inspection of adopted codes and subsidiary legislation

For the purposes of section 98(4) of the Act, any code or subsidiary legislation adopted as referred to in section 98(2) of the Act will be available for public inspection during normal office hours at the Department's head office.

Part 5 — Amendments and transitional provision

22. *Environmental Protection Regulations 1987* amended

- (1) The amendments in this regulation are to the *Environmental Protection Regulations 1987*.
- (2) Regulation 22 is amended by inserting before “Subject” the subregulation designation “(1)”.
- (3) At the end of regulation 22 the following subregulation is inserted —

“

- (2) This Part does not apply to —
 - (a) waste received at licensed landfills on or after 1 July 2008; and
 - (b) return periods commencing on or after 1 July 2008.

”.

- (4) Regulation 33 is repealed and the following regulation is inserted instead —

“

33. Payment of levy as condition of licence (section 62(2))

It is a condition of a licence in respect of a licensed landfill that the licensee is to pay the following —

- (a) any levy imposed under the *Environmental Protection (Landfill) Levy Act 1998* in respect of waste to which this Part applies that is received at those premises;

- (b) any levy imposed under the *Waste Avoidance and Resource Recovery Levy Act 2007* in respect of waste to which the *Waste Avoidance and Resource Recovery Regulations 2008* Part 3 applies that is received at those premises.

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23. *Environmental Protection (Controlled Waste) Regulations 2004* amended

- (1) The amendment in this regulation is to the *Environmental Protection (Controlled Waste) Regulations 2004*.
- (2) Regulation 2 is amended in the definition of “disposal site” by deleting paragraph (b).

24. Transitional provision — Waste Management and Recycling Fund

The *Waste Avoidance and Resource Recovery Act 2007* Schedule 5 clause 6 prevails to the extent that there is an inconsistency between that provision and Part VIIA Division 2 of the EP Act.

25. Transitional provision — first annual return

- (1) In this regulation —

commencement day means 1 July 2019.

- (2) The first annual return that a liable person is required to make and lodge under regulation 18C must relate to the period —

(a) for a person that is a liable person on the commencement day — from that day to 30 June 2020; or

(b) for a person that becomes a liable person after the commencement day — from the day the person becomes a liable person to the following 30 June.

[Regulation 25 inserted: Gazette 28 Jun 2019 p. 2517.]

Notes

- ¹ This is a compilation of the *Waste Avoidance and Resource Recovery Regulations 2008* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Waste Avoidance and Resource Recovery Regulations 2008</i>	20 Jun 2008 p. 2665-84	r. 1 and 2: 20 Jun 2008 (see r. 2(a)) Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
<i>Waste Avoidance and Resource Recovery Amendment Regulations 2011</i>	1 Jul 2011 p. 2718-21	r. 1 and 2: 1 Jul 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Jul 2011 (see r. 2(b))
<i>Waste Avoidance and Resource Recovery Amendment Regulations (No. 2) 2011</i>	23 Sep 2011 p. 3814-15	r. 1 and 2: 23 Sep 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Sep 2011 (see r. 2(b))
<i>Waste Avoidance and Resource Recovery Amendment Regulations 2016</i>	17 Jun 2016 p. 2089-91	r. 1 and 2: 17 Jun 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Jun 2016 (see r. 2(b))
<i>Waste Avoidance and Resource Recovery Amendment Regulations 2019</i>	28 Jun 2019 p. 2511-17	r. 1 and 2: 28 Jun 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 29 Jun 2019 (see r. 2(b))