

Western Australia

**Waste Avoidance and Resource Recovery  
Amendment Act 2009**

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As at 07 Dec 2009

No. 48 of 2009

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# Waste Avoidance and Resource Recovery Amendment Act 2009

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Western Australia

## **Waste Avoidance and Resource Recovery Amendment Act 2009**

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**No. 48 of 2009**

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**An Act to amend —**

- **the *Waste Avoidance and Resource Recovery Act 2007*; and**
- **the *Waste Avoidance and Resource Recovery Levy Act 2007*.**

*[Assented to 7 December 2009]*

The Parliament of Western Australia enacts as follows:

## **Part 1 — Preliminary**

### **1. Short title**

This is the *Waste Avoidance and Resource Recovery Amendment Act 2009*.

### **2. Commencement**

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent (*assent day*);
- (b) sections 3 and 9 and Part 3 — on the day after assent day;
- (c) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

**Part 2 — Waste Avoidance and Resource Recovery  
Act 2007 amended**

**3. Act amended**

This Part amends the *Waste Avoidance and Resource Recovery Act 2007*.

**4. Section 36 amended**

After section 36(1)(c) insert:

- (da) the services and facilities that are reasonably necessary to be provided or used under section 16 for the next financial year in order to enable the Waste Authority to perform its functions; and

**5. Section 73 amended**

After section 73(3) insert:

- (4) Any levy paid is to be credited to an operating account of the Department established under the *Financial Management Act 2006* section 16(1)(a).

**6. Section 76 amended**

After section 76(2) insert:

- (3) Any amount paid by way of penalty under subsection (1) is to be credited to an operating account of the Department established under the *Financial Management Act 2006* section 16(1)(a).

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**7. Section 79 amended**

- (1) In section 79(1) delete the passage that begins with “kept — ” and ends with “that Act,” and insert:

kept as an agency special purpose account established under the *Financial Management Act 2006* section 16

- (2) After section 79(2) insert:

- (3A) The Minister is to direct in each financial year that there is to be credited to the WARR Account such amount of the levy credited to the Department’s operating account under section 73(4) as is specified by the Minister.
- (3B) The amount specified under subsection (3A) must be as follows —
- (a) in the financial year ending 30 June 2010 — an amount not less than the difference between 25% of the forecast levy amount for that financial year and the amount of levy paid or payable for the period 1 July 2009 to 31 December 2009;
  - (b) in any other financial year — not less than 25% of the forecast levy amount for the financial year.
- (3C) For the purposes of subsection (3B) the ***forecast levy amount*** for a financial year is —
- (a) the estimate of the levy amount for the financial year set out in the budget papers for that financial year tabled in the Legislative Assembly; or
  - (b) if another means of determining the forecast levy amount for the financial year is prescribed — the forecast levy amount determined by those means.



- (3) In section 79(3):
- (a) delete “The WARR Account” and insert:

In addition to the amount referred to in subsection (3A), the WARR Account

- (b) delete paragraphs (a) and (b) and “and” after each of them.

**8. Section 80 amended**

Delete section 80(1) and (2) and insert:

- (1) Moneys held in the WARR Account are to be applied, in a manner that is consistent with the current business plan or as may be approved by the Minister —
- (a) to fund programmes relating to the management, reduction, reuse, recycling, monitoring or measurement of waste; and
- (b) to fund the preparation, review and amendment of the waste strategy, waste plans under Part 4 and extended producer responsibility schemes and the implementation of that strategy and those plans and schemes; and
- (c) in payment of the costs of administering the WARR Account (including the costs of collecting levies and penalties and support and evaluation services); and
- (d) to fund the services and facilities referred to in section 36(1)(da); and
- (e) in payment of the other costs of the administration and enforcement of this Act, including the remuneration of members of the Waste Authority.

**9. Section 81 amended**

In section 81(1) after “*Financial Management Act 2006*” insert:

and the *Auditor General Act 2006*

**10. Schedule 2 amended**

(1) After Schedule 2 item 1 insert:

2A. To seek the advice of such other entities as the Waste Authority thinks fit for the purpose of providing advice to the Minister in relation to the setting and variation of a levy.

(2) After Schedule 2 item 13 insert:

14A. From time to time to develop and publish a statement of the objectives to be achieved by programmes funded under section 80(1)(a).

(3) In Schedule 2 item 14 delete “from the WARR Fund” and insert:

under section 80(1)(a)

**Part 3 — *Waste Avoidance and Resource Recovery Levy Act 2007* amended**

**11. Act amended**

This Part amends the *Waste Avoidance and Resource Recovery Levy Act 2007*.

**12. Section 4 amended**

- (1) In section 4(1) delete “Waste Authority,” and insert:

Minister,

- (2) After section 4(1) insert:

- (2A) The Waste Authority may provide advice to the Minister for the purpose of making a recommendation under subsection (1) as to the amount by way of levy to be prescribed.
- (2B) The Minister must give due weight to, but is not bound to accept, the advice of the Waste Authority under subsection (2A).

