



Western Australia

# **Waste Avoidance and Resource Recovery Levy Act 2007**

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# Waste Avoidance and Resource Recovery Levy Act 2007

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### Defined terms



# Waste Avoidance and Resource Recovery Levy Act 2007

**An Act to impose a levy in respect of certain waste.**

The Parliament of Western Australia enacts as follows:

**1. Short title**

This is the *Waste Avoidance and Resource Recovery Levy Act 2007*<sup>1</sup>.

**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<sup>1</sup>;
- (b) the rest of the Act — on a day fixed by proclamation<sup>1</sup>.

**3. Interpretation**

In this Act —

*disposal premises* means premises —

- (a) which are used for the purpose of receiving waste; and
- (b) in respect of which the occupier is required to hold a licence, whether or not such a licence is in force;

*EP Act* means the *Environmental Protection Act 1986*;

*licence* has the same meaning as in the EP Act;

**Waste Authority** means the Waste Authority established under the *Waste Avoidance and Resource Recovery Act 2007*.

**4. Levy may be prescribed**

- (1) The Governor may, on the recommendation of the Minister, make regulations under the *Waste Avoidance and Resource Recovery Act 2007* prescribing an amount by way of levy that is to be payable in respect of waste received at disposal premises.
- (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).
- (2) The regulations may —
  - (a) provide that the amount by way of levy is to be payable in all cases, in all cases subject to specified exceptions or in any specified case or class of case; and
  - (b) prescribe different amounts by way of levy that are payable in respect of different cases or classes of case; and
  - (c) provide for the levy to be calculated on such basis, and in accordance with such factors, as are specified; and
  - (d) provide for the reimbursement of administrative costs incurred by the person, organisation or licensee collecting the levy.
- (3) Nothing in this section is to be taken as limiting the operation of the *Interpretation Act 1984* section 43.

*[Section 4 amended by No. 48 of 2009 s. 12.]*

**5. Levy imposed**

If an amount by way of levy is prescribed in respect of waste received at disposal premises, that levy is imposed in respect of waste received at the disposal premises.

**6. Liability to pay levy**

The holder of a licence in respect of disposal premises, or in the case of disposal premises in respect of which a licence is not in force, an occupier required under the EP Act to hold such licence in respect of the premises, is liable to pay the amount of any levy imposed in respect of waste received at the disposal premises.

**Notes**

<sup>1</sup> This is a compilation of the *Waste Avoidance and Resource Recovery Levy Act 2007* and includes the amendments made by the other written laws referred to in the following table.

**Compilation table**

| <b>Short title</b>  | <b>Number and year</b> | <b>Assent</b> | <b>Commencement</b>  |
|---|------------------------|---------------|--|
| <i>Waste Avoidance and Resource Recovery Levy Act 2007</i>            | 37 of 2007             | 21 Dec 2007   | s. 1 and 2: 21 Dec 2007 (see s. 2(a))<br>Act other than s. 1 and 2:<br>1 Jul 2008 (see s. 2(b) and <i>Gazette</i> 20 Jun 2008 p. 2705) |
| <i>Waste Avoidance and Resource Recovery Amendment Act 2009 Pt. 3</i> | 48 of 2009             | 8 Dec 2009    | 8 Dec 2009 (see s. 2(b))   |



## Defined terms

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

| <b>Defined term</b>     | <b>Provision(s)</b> |
|-------------------------|---------------------|
| disposal premises ..... | 3                   |
| EP Act.....             | 3                   |
| licence .....           | 3                   |
| Waste Authority .....   | 3                   |