



Western Australia

Waste Avoidance and Resource Recovery Act 2007

Waste Avoidance and Resource Recovery (e-waste) Regulations 2024

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Waste Avoidance and Resource Recovery (e-waste) Regulations 2024

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Waste Avoidance and Resource Recovery (e-waste) Regulations 2024*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 (other than regulations 3 to 7) — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on 1 July 2024.

3. Terms used

In these regulations —

aggregated waste has the meaning given in regulation 4;

business entity —

- (a) means an entity involved in business, industry, trade or commerce; but
- (b) does not include a public entity;

e-waste service provider means a person who conducts a business or undertaking that includes the collection or receipt of

regulated e-waste for storage, management, aggregation, treatment, processing, sorting, recycling, transfer or disposal;

landfill operator means a person who occupies premises that constitute a landfill site;

landfill site means premises that are specified in the *Environmental Protection Regulations 1987* Schedule 1 category 63, 64, 65, 66 or 89;

processed materials means materials that are the result of e-waste being transformed, through separation and recycling in accordance with the waste strategy, for resource recovery;

public entity means —

- (a) an agency or organisation as those terms are defined in the *Public Sector Management Act 1994* section 3(1); or
- (b) a local government or a regional local government;

regulated e-waste means the types of waste described in Schedule 1 column 2;

residual waste means waste that remains after regulated e-waste has been separated and recycled in accordance with the waste strategy to create —

- (a) processed materials; or
- (b) materials suitable to be used in energy recovery;

significant entity means a business entity or a public entity that, in relation to any financial year —

- (a) has 200 or more employees at the beginning of the financial year; or
- (b) created, during the immediately preceding financial year, 5 or more tonnes of regulated e-waste.

4. Aggregated waste

Aggregated waste is waste that is subjected to a process intended to provide for resource recovery by combining the

same or similar materials, collected or obtained at any time, as part of a process associated with dealing with waste.

5. Related entities taken into account when determining whether business entity is significant entity

- (1) For the purpose of determining whether a business entity is a significant entity in relation to a financial year —
 - (a) the number of employees of the business entity is taken to include the number of employees of any related entity to the business entity; and
 - (b) the amount of regulated e-waste (determined according to weight) created by the business entity is taken to include the amount of regulated e-waste created by any related entity of the business entity.
- (2) For the purposes of subregulation (1), 2 or more entities are related entities if they are related bodies corporate under the *Corporations Act 2001* (Commonwealth) section 9.

6. Exceptions

These regulations do not apply to the disposal of —

- (a) regulated e-waste that has been unintentionally captured after it has been placed in a kerbside or other similar bin; or
- (b) regulated e-waste that has been mixed with other waste and is not known to be present with that other waste at the time of disposal; or
- (c) residual waste.

7. Other laws about hazardous waste

In the event of an inconsistency between these regulations and another written law that relates to the management or disposal of hazardous waste, the other written law prevails to the extent of the inconsistency.

Part 2 — Prohibition on disposal of e-waste to landfill

8. E-waste waste not to be disposed to landfill

- (1) An e-waste service provider must not send regulated e-waste to, or leave regulated e-waste at, a landfill site.
Penalty for this subregulation: a fine of \$10 000.
- (2) A significant entity must not send regulated e-waste to, or leave regulated e-waste at, a landfill site.
Penalty for this subregulation: a fine of \$10 000.
- (3) It is a defence to a charge of an offence under subregulation (1) or (2) to prove that the e-waste provider or a significant entity that is a business entity (as the case may be) sent the regulated e-waste to, or left the regulated e-waste at, the landfill site in the reasonable expectation that the regulated e-waste would be aggregated for the recovery of processed materials (either at the landfill site or at some other place).
- (4) A public entity is not in breach of subregulation (2) if the public entity sent the regulated e-waste to, or left the regulated e-waste at, a landfill site in the reasonable expectation that the regulated e-waste would be aggregated for the recovery of processed materials (either at the landfill site or at some other place).
- (5) A landfill operator must not dispose of regulated e-waste that has been accepted at a landfill site to landfill.
Penalty for this subregulation: a fine of \$10 000.
- (6) It is a defence to a charge of an offence under subregulation (5) to prove that the landfill operator —
 - (a) obtained a written declaration, signed by the person who left the waste accepted at the landfill site, that the person had no reason to believe that the waste contained or was regulated e-waste; or

- (b) did not know, and could not reasonably have known, that waste accepted at the landfill site contained or was regulated e-waste.

Part 3 — Specific responsibilities

Division 1 — E-waste service providers

9. Storage, treatment, processing and recycling

- (1) An e-waste service provider must store regulated e-waste only for the purposes of management, aggregation, treatment, processing, sorting, recycling or transfer.
Penalty for this subregulation: a fine of \$10 000.
- (2) An e-waste service provider must not store regulated e-waste for more than 12 months after the month in which it is received by the provider.
Penalty for this subregulation: a fine of \$10 000.
- (3) An e-waste service provider must not, during the collection, storage or transportation of regulated e-waste by the provider, do anything that would reduce the ability of the regulated e-waste to be treated, processed or recycled.
Penalty for this subregulation: a fine of \$10 000.
- (4) An e-waste service provider must, to the extent that the provider undertakes the separation or recycling of regulated e-waste, maximise the recovery of processed materials and minimise the amount of residual waste from the regulated e-waste.
Penalty for this subregulation: a fine of \$10 000.
- (5) It is a defence to a charge of an offence under subregulation (2), (3) or (4) to prove that the e-waste service provider took reasonable steps to avoid the commission of the offence.
- (6) In determining what constitutes reasonable steps for the purposes of subregulation (5), it is relevant to take into account Australian Standard AS 5377:2022 *Management of electrical and electronic equipment for re-use or recycling* published by

Standards Australia (as in force on the day on which these regulations are made).

10. Separation of waste

- (1) This regulation applies to regulated e-waste collected or received by an e-waste service provider that is mixed with other waste.
- (2) The e-waste service provider must separate the regulated e-waste from the other waste.
Penalty for this subregulation: a fine of \$10 000.
- (3) It is a defence to a charge of an offence under subregulation (2) to prove that the e-waste service provider —
 - (a) took reasonable steps to avoid the commission of the offence; or
 - (b) did not know, and could not reasonably have known, that the regulated e-waste was mixed with the other waste.

11. Records

- (1) This regulation applies to an e-waste service provider required to hold a licence as defined in the EP Act section 3(1) in respect of premises used for the purpose of storing, treating or processing regulated e-waste, whether or not a licence is in force.
- (2) The e-waste service provider must record the following information for each financial year in connection with the provider's business or undertaking —
 - (a) a description of the regulated e-waste using the categories of regulated e-waste in Schedule 1 column 1;
 - (b) the total weight of regulated e-waste collected or received by the provider;

- (c) the types of separation and recycling of regulated e-waste conducted by the provider and the weight of regulated e-waste subject to each process;
 - (d) the total weight of the processed materials and residual waste produced by the provider;
 - (e) for each person to whom the provider transferred regulated e-waste —
 - (i) the name and address of the person; and
 - (ii) the weight of regulated e-waste transferred.
- (3) The e-waste service provider must, not later than 1 October in each year, lodge with the CEO a return containing the information required to be recorded under subregulation (2) for the immediately preceding financial year.
Penalty for this subregulation: a fine of \$10 000.
- (4) The return must be in a form approved by the CEO.

Division 2 — Significant entities

12. Storage and transfer requirements

- (1) A significant entity must keep regulated e-waste resulting from its activities separate from other waste.
Penalty for this subregulation: a fine of \$10 000.
- (2) A significant entity must not store regulated e-waste resulting from its activities for more than 12 months after the month in which the waste results from the entity's activities.
Penalty for this subregulation: a fine of \$10 000.
- (3) A significant entity must not, during the storage or transportation of regulated e-waste resulting from its activities, do anything that would reduce the ability of the regulated e-waste to be treated, processed or recycled.
Penalty for this subregulation: a fine of \$10 000.

- (4) A significant entity must transfer regulated e-waste resulting from its activities to an e-waste service provider.
Penalty for this subregulation: a fine of \$10 000.
- (5) It is a defence to a charge of an offence under subregulation (1), (2) or (3) for a significant entity that is a business entity to prove that the significant entity took reasonable steps to avoid the commission of the offence.
- (6) A public entity will not be in breach of subregulation (2), (3) or (4) if the public entity takes reasonable steps to avoid the breach.
- (7) In determining what constitutes reasonable steps for the purposes of subregulation (5) or (6), it is relevant to take into account Australian Standard AS 5377:2022 *Management of electrical and electronic equipment for re-use or recycling* published by Standards Australia (as in force on the day on which these regulations are made).

13. Records

A significant entity must, not later than 31 July in each year, record the following information for the immediately preceding financial year in connection with the significant entity's activities —

- (a) a description of the regulated e-waste resulting from its activities using the categories of regulated e-waste in Schedule 1 column 1;
- (b) the total weight of regulated e-waste resulting from its activities;
- (c) for each regulated e-waste service provider to which the significant entity transferred regulated e-waste — the name and address of the provider.

Penalty: a fine of \$10 000.

Division 3 — Landfill operators

14. Separation of waste

- (1) This regulation applies to regulated e-waste received by a landfill operator that is mixed with other waste.
- (2) The landfill operator must separate the regulated e-waste from the other waste.
Penalty for this subregulation: a fine of \$10 000.
- (3) It is a defence to a charge of an offence under subregulation (2) to prove that the landfill operator —
 - (a) took reasonable steps to avoid the commission of the offence; or
 - (b) did not know, and could not reasonably have known, that the regulated e-waste was mixed with the other waste.

Division 4 — Record retention

15. Record retention

- (1) An e-waste service provider or significant entity required to record information under this Part must retain the record for at least 5 years from the date on which it is created.
Penalty for this subregulation: a fine of \$10 000.
- (2) An e-waste service provider or significant entity required to record information under this Part must, on request by the CEO, give the CEO a copy of the record within the period specified by the CEO.
Penalty for this subregulation: a fine of \$10 000.
- (3) The period specified by the CEO under subregulation (2) cannot be less than 28 days.

Part 4 — Exemptions

16. Exemption from requirements of regulations

- (1) An application under this regulation may be made by —
 - (a) an e-waste service provider; or
 - (b) a landfill operator; or
 - (c) a significant entity.
- (2) An application may be made to the CEO for an exemption from a requirement imposed on the applicant under these regulations on the ground that —
 - (a) an event or circumstances beyond the control of the applicant have rendered regulated e-waste unsuitable for processing or use for resource or energy recovery; or
 - (b) it is unreasonable to expect the applicant to comply with the requirement because regulated e-waste is in a remote location.
- (3) An application must —
 - (a) be in a form approved by the CEO; and
 - (b) include the reasons for the application; and
 - (c) include, or be accompanied by, any other information specified by the CEO.
- (4) The CEO may, on the receipt of an application and any information required under subregulation (3), approve the application if satisfied that a circumstance referred to in subregulation (2) exists.
- (5) An exemption is subject to any conditions specified by the CEO when approving the application.
- (6) An exemption may be for a period determined by the CEO and the CEO may extend the period from time to time.

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- (7) If the CEO decides to approve an application under this regulation, the CEO must, as soon as practicable, give the applicant a notice of the decision.
- (8) If the CEO decides not to approve an application under this regulation, the CEO must, as soon as practicable, give the applicant a notice of the decision stating the reasons for the decision.

17. Review

If the CEO decides not to approve an application for an exemption under regulation 16, the applicant may apply to the State Administrative Tribunal for a review of the decision.

Schedule 1 — Regulated e-waste

[r. 3]

Column 1 Category of regulated e-waste	Column 2 Type of waste
Screens, information technology and telecommunications	Television screens and monitor screens, including — (a) cathode ray tube televisions and monitors; and (b) flat panel-display televisions; and (c) flat panel-display monitors Computers, including — (a) desktop computers; and (b) laptops and tablets Machines that perform the functions of printing, copying, facsimile transmission or projection Information technology equipment, including — (a) networking equipment such as servers, routers, signal amplifiers and duplicators; and (b) web cameras; and (c) accounting machines; and (d) cash registers; and (e) postage franking machines, ticket issuing machines and other similar machines

Column 1 Category of regulated e-waste	Column 2 Type of waste
	Computer peripherals, including — (a) internal and external devices, and cables and cords, that support or perform the functions of — (i) data input, output or transfer; and (ii) data storage; and (iii) processing (including central and graphics processing units; and (b) devices that allow input to control computers such as — (i) keyboards; and (ii) mice; and (iii) joysticks and gamepads; and (iv) controllers; and (c) devices, cables and cords that provide power to, or charge, computers; and (d) typewriters, word-processing machines, electronic calculators and other devices that perform functions typically able to be performed by computers

Column 1 Category of regulated e-waste	Column 2 Type of waste
	Telecommunications equipment, including — (a) mobile telephones and related batteries, chargers and accessories; and (b) pagers; and (c) base stations for the transmission or reception of voice, images or other data; and (d) transmission-receive apparatus for televisions and radios; and (e) cordless telephones and telephone sets; and (f) telephone answering machines; and (g) telephonic or telegraphic switching apparatus
Lighting and lamps	Compact fluorescent lamps Straight tube fluorescent lamps The following lamps commonly known as Special Lamps — (a) mercury or sodium vapour lamps; (b) high and low pressure sodium lamps; (c) hot cathode fluorescent lamps;

Column 1 Category of regulated e-waste	Column 2 Type of waste
	(d) other lamps used by professionals or specialists, or in similar work Light emitting diode (LED) lighting products Portable lights and lamps Household luminaires, including — (a) ceiling lights (including chandeliers), wall lights and floor lights; and (b) electric table, desk, bedside and floor lamps; and (c) household incandescent light globes; and (d) lighting sets of Christmas trees and displays; and (e) bicycle lighting and signalling equipment
Large appliances when used in a home, office or professional environment	Dishwashers Ovens, furnaces, extraction equipment, range hoods and other similar cooking equipment Washing machines and dryers, or a combination of both Large dispensers such as non-cooled vending machines, commercial coffee machines, coffee vending machines, ticket vending machines and other similar machines

Column 1 Category of regulated e-waste	Column 2 Type of waste
Batteries	All batteries
Temperature exchange equipment when used in a home, office or professional environment	Compression-type refrigerators Absorption-type refrigerators Freezers (chest type or upright type) Air conditioners (installed or portable) Other cooling systems or equipment (including dehumidifiers and heat pump dryers) Cooled dispensers for food or drinks Heating and ventilation equipment
Medical devices	Medical devices that would not, because of their shape or size, fit into a container measuring 50 cm x 50 cm x 50 cm

K. COLLERAN, Clerk of the Executive Council

Defined terms

Defined terms

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

Defined term	Provision(s)
aggregated waste	3, 4
business entity	3
e-waste service provider	3
landfill operator.....	3
landfill site	3
processed materials	3
public entity	3
regulated e-waste	3
residual waste.....	3
significant entity	3

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