



Government of **Western Australia**
Department of **Water and Environmental Regulation**

Guideline: E-waste exemptions

For activities regulated under the
Waste Avoidance and Resource
Recovery (e-waste) Regulations 2024



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Department of Water and Environmental Regulation
Prime House, 8 Davidson Terrace
Joondalup Western Australia 6027
Locked Bag 10 Joondalup DC WA 6919

Phone: 08 6364 7000

Fax: 08 6364 7001

National Relay Service 13 36 77

wa.gov.au/dwer

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This publication is available at our website wa.gov.au/dwer or for those with special needs it can be made available in alternative formats such as audio, large print, or Braille.

Acknowledgement

We acknowledge the Traditional Owners, the Whadjuk people of the Noongar Nation of the land upon which we live and work and pay our respects to their Elders past and present. We recognise the practice of intergenerational care for Country and its relevance to our work bringing it to life on Whadjuk Noongar Boodja.* We seek to listen, learn and genuinely engage and build strong partnerships. We aim to provide sustainable opportunities for Aboriginal people within our workforce and through our business.

Country is a term used by Aboriginal people to describe the lands, waterways and seas to which they are intrinsically linked. The wellbeing, law, place, custom, language, spiritual belief, cultural practice, material sustenance, family and identity are all interwoven as one. Working with the community, we move forward with a shared commitment to protect and conserve Country for our future generations.

*The Department of Water and Environmental Regulation's head office, Prime House, is located in Joondalup, on Whadjuk Noongar Boodja. The above Acknowledgement of Country was endorsed by the department's Aboriginal Water and Environmental Advisory Group.



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1. Overview

This guideline provides applicants with instructions on how to apply for an exemption under the [Waste Avoidance and Resource Recovery \(e-waste\) Regulations 2024](#) (the Regulations) and outlines the framework of factors the Department of Water and Environmental Regulation (the department) will consider when assessing exemption applications.

Part 4 of the Regulations provides for exemptions including the eligibility criteria and application requirements.

This guideline, which should be read in conjunction with the Regulations, is intended to assist applicants in understanding the circumstances under which exemptions can be granted and how to provide information in the best possible manner to ensure accurate and efficient assessment of their application.

2. Scope

An application for an exemption under r.16(1) can be made by an **e-waste service provider**, a **landfill operator** or a **significant entity** operating within Western Australia (WA). These terms are defined in r.3 of the Regulations. The department has also published [e-waste fact sheets](#) to provide guidance on these terms.

Regulation 16(2) sets out two circumstances where an application may be made to the CEO of the department for an exemption from a requirement imposed under the Regulations on the applicant. They are:

- (a) where 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
- (b) where it is unreasonable to expect an applicant to comply with the requirement because regulated e-waste is in a remote location.

These two circumstances are explained in greater detail in section 5.2

Circumstances eligible for exemption of this guideline.

Please note that the Regulations do not require local governments to begin collecting regulated e-waste from residents if they were not collecting before the ban came into effect and have no intention to start doing so.

Similarly, the Regulations do not require e-waste service providers, such as landfill sites, to begin accepting every category of regulated e-waste listed in Schedule 1 of the Regulations. Therefore, local governments do not need to apply for exemptions to not collect or accept regulated e-waste.

Local governments are encouraged to educate residents about proper e-waste disposal methods and direct residents to alternate local e-waste drop-off points if possible.



The intent and scope of the Regulations does not include incidental capture of small amounts or single items of regulated e-waste mixed into collection skips or kerbside bins, with defences noted in r.8(6) of the Regulations. However, if landfill operators are accepting and landfilling large amounts of non-incidental capture of regulated e-waste then this is non-compliant with the Regulations and an exemption must be sought.

When administering and enforcing the Regulations, the department will seek to achieve the objectives of the Regulations, while addressing the applicant's circumstances. As such, e-waste exemptions will be tailored through their conditions and duration to the circumstances and challenges faced by the applicant.

For example, some applicants may require an exemption from all requirements imposed by the Regulations, while others may require an exemption only from requirements imposed in the Regulations for specific categories of e-waste (i.e. they might collect all categories of regulated e-waste but apply for an exemption for batteries because they do not have appropriate storage facilities).

3. Context

E-waste is one of the fastest-growing waste streams in Australia and may contain materials of value as well as hazardous materials that require responsible management to prevent harm to the environment and human health.

The e-waste to landfill ban in WA will improve the management and recycling of e-waste and contribute to the [Waste Avoidance and Resource Recovery Strategy 2030](#) vision for WA to become a sustainable, low-waste, circular economy where human health and the environment are protected from the impacts of waste.

The ban will also see WA align with the e-waste landfill bans in other states and territories, supporting national harmonisation of current and future federal e-stewardship actions.

To be effective, bans need to be flexible and consider special circumstances, as one-size-fits-all solutions are rare. The Regulations include exemptions to balance effective e-waste management with practical issues like WA's remoteness, infrastructure limits, and uncontrollable events like natural disasters.

4. Legislative context

The Regulations were made under the [Waste Avoidance and Resource Recovery Act 2007](#) (WARR Act) to implement a statewide ban on the disposal of e-waste to landfill which came into effect on 1 July 2024.

The primary objectives of the WARR Act set out in s.5 of the WARR Act are to contribute to sustainability, the protection of human health and the environment in WA, and the move towards a waste free society by:

- (a) promoting the most efficient use of resources, including resource recovery and waste avoidance



- (b) reducing environmental harm, including pollution through waste
- (c) the consideration of resource management options against the following hierarchy in order of preference -
 - (i) avoidance of unnecessary resource consumption
 - (ii) resource recovery (including reuse, reprocessing, recycling and energy recovery)
 - (iii) disposal.

Further, the principles set out in the s.4A of the [Environmental Protection Act 1986](#) (EP Act) apply in relation to the objects of the WARR Act.

To align with international standards, the Regulations draw from the European Union's Waste from Electrical and Electronic Equipment Directive (2012/19/EU).

Australian Standard AS 5377:2022 Management of electrical and electronic equipment for re-use or recycling, published by Standards Australia, is referenced in the Regulations to assist in determining what constitutes reasonable steps in managing e-waste.

The Regulations also reference the EP Act and note that e-waste service providers required to hold a licence as defined in the EP Act s.3(1), have additional obligations.

Regulation 7 notes that in the event of an inconsistency between the 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.

5. Application eligibility

5.1 Who can apply

An application for an exemption under r.16(1) can be made by:

- an e-waste service provider
- a landfill operator
- a significant entity operating within WA.

Applications must be authorised by the CEO or another authorised officer of the applicant's organisation.

Third parties, such as consultants or contractors, applying on behalf of an eligible entity must provide evidence of their authority, for example a letter signed by an authorised employee.

5.2 Circumstances eligible for exemption

Regulation 16(2) provides that an application may be made to the department's CEO for an exemption from a requirement imposed on the applicant in the following circumstances:



- (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
- (b) it is unreasonable to expect the applicant to comply with the requirement because regulated e-waste is in a remote location.

Applicants will be required to identify which circumstance they are applying under and to identify the specific requirements in the Regulations they are seeking exemption from in the online application form.

E-waste service providers, significant entities, or landfill operators facing compliance challenges that do not fit the exemption criteria should contact ewaste@dwer.wa.gov.au to discuss solutions.

5.2.1 Circumstances outside applicants' control impacting e-waste condition

Subregulation 16(2)(a) provides for applicants facing temporary barriers to compliance with the Regulations, such as fire, flood or other natural disasters, or circumstances similarly beyond the applicant's control that can impact the condition of e-waste. Impacts from these kinds of events or circumstances could include:

- degradation and/or contamination of regulated e-waste such that it cannot be accepted or processed for resource recovery or energy recovery
- a natural disaster resulting in large, unmanageable volumes of waste, including damaged or contaminated regulated e-waste
- a necessary temporary shutdown of an e-waste recycling facility could result in e-waste piling up, leading to damage, contamination, improper disposal, illegal dumping, or stockpiling without adequate storage infrastructure.

5.2.2 E-waste located in remote locations

Subregulation 16(2)(b) recognises that there are additional challenges for entities operating in remote areas, typically with limited resources and logistical constraints. This allows for matters such as the following to be taken into consideration:

- transitional relief where e-waste management infrastructure or logistics are being arranged
- support for collection and storage periods longer than 12 months where necessary to generate commercial e-waste volumes for transport
- long-term relief where collection and transport of regulated e-waste is cost prohibitive.

Refer to section 8.4 of this guideline for further guidance on the circumstances the department considers remote, and therefore eligible for exemption under r.16(2)(b).



6. How to apply

The department will administer the exemption process through its SmartyGrants platform.

The platform assists individuals and organisations to ensure that exemption applications are submitted in accordance with the Regulations. It also provides a secure environment for submitting sensitive information while also being accessible from anywhere, which is particularly helpful for remote submissions or when multiple stakeholders are involved.

Please note that there is no grant or rebate funding associated with the exemption process.

If you have queries about the [E-waste Infrastructure Grants Program](#) or the [E-waste Regional Transportation Support Scheme](#) for local governments, contact 08 6364 7498 or email ewaste@dwer.wa.gov.au.

6.1 Online application form

The online application form is available in the [SmartyGrants](#) portal. It is recommended that applicants preview and / or download the form to review the information required before starting an application.

Applicants must first be registered in SmartyGrants (free of charge) before an application can be made. Clicking on the link to the online application form will prompt applicants to login or register to SmartyGrants.

If new to SmartyGrants, please read the [help guide for applicants](#) and [frequently asked questions \(FAQs\)](#) on the SmartyGrants website prior to starting your application.

SmartyGrants allows users to save progress and return to applications before submitting later. We strongly recommend applicants to click 'Save progress' every 10–15 minutes to avoid losing any work, as the system will time out after 20 minutes of inactivity. Once an application is submitted, no further changes can be made.

Applicants will receive an auto generated submission receipt to their nominated email address, including an application reference number upon submission. If you do not receive a confirmation email, please contact ewaste@dwer.wa.gov.au.

If you need to amend your submitted application, please contact ewaste@dwer.wa.gov.au. An officer will assist by reopening the form for editing.

Applicants will be required to provide:

- current e-waste collection and management details
- Part V instrument details (if relevant)
- exemption request details
- summary of long-term compliance plan
- e-waste infrastructure grant funding information (if relevant)
- endorsement by a suitably authorised person.



Information provided must be clear and concise. Any relevant supporting information, such as storage infrastructure building plans, transportation quotes, or lease agreements may be uploaded as part of your application.

7. Assessment procedure

The department typically assesses exemption applications in the order they are submitted. However, applications may be prioritised if there are imminent risks to the environment or public health.

Applicants should allow up to 12 weeks for the department to assess an application and notify the applicant of the decision, noting that assessment will be affected by the number and complexity of applications submitted. To ensure efficient assessment, applicants should align their applications with the advice in this guideline and provide supporting evidence for their claims.

7.1 Validation and assessment

The department will conduct initial application screening to validate that applications are complete and meet basic eligibility criteria.

Exemptions are managed by the department's Circular Economy directorate within the Climate and Sustainability portfolio.

An officer may contact an applicant for further information about an application to support its assessment. Please ensure all contact details are correct, and the email address supplied is monitored daily.

Applicants must ensure their application is complete and accurate. If false or misleading information is provided, the application may be rejected. Applications lacking sufficient information for assessment may also be declined or refused.

If you identify an error that needs correction after submission, please contact ewaste@dwer.wa.gov.au.

Once eligibility is validated, the department will assess applications against the assessment considerations outlined in section 8 of this guideline.

7.2 Notification of decision

Following assessment, r.16(4) (read with r.16(2)) of the Regulations provides that the department's CEO (or their delegate) may approve the application if they are satisfied that:

- 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
- it is unreasonable to expect that applicant to comply with the requirement because regulated e-waste is in a remote location.



The CEO must provide the applicant with a notice of the decision stating the reasons for the decision of his approval of the application or the decision to not approve the application (r.16(7) and r.16(8) of the Regulations). The notice will be provided by email.

If approved, the exemption will be for the duration and subject to any conditions specified by the CEO (r.16(5) and r.16(6) of the Regulations). The CEO may extend the duration from time to time (r.16(6) of the Regulations).

7.3 Appeals

If the department's CEO decides to not approve an application for an exemption under r.16, the applicant may apply to the State Administrative Tribunal for a review of the decision (r.17 of the Regulations).

Appeals must be lodged within 28 calendar days of the date of the decision.

8. Assessment considerations

In assessing and determining applications, the department will seek to achieve the objectives of the Regulations, while addressing the applicant's circumstances.

As such, exemptions from all requirements imposed by the Regulations will only be approved in limited circumstances where an applicant is facing considerable barriers that prevent them from complying with the requirements of the Regulations.

8.1 Alignment with Part V of the EP Act

If regulated e-waste is being stored or managed at a facility licenced under the EP Act, then storage and management must be in accordance with the conditions of the relevant licence granted under Part V Division 3 of the EP Act.

Similarly, any exemption granted cannot exceed the duration of the premises licence. For example, if a landfill site or transfer station has a licence for 10 years, the e-waste exemption cannot be granted for longer than 10 years.

The same principle applies to any licence holder leasing a premises; the exemption cannot be granted for longer than the lease duration.

Exemption from the Regulations may require a Part V licence amendment before it can be granted, if the exemption application seeks to allow something inconsistent with the existing licence. For example, if an applicant with a Part V licence is seeking exemption to store regulated e-waste for longer than 12 months in storage infrastructure that isn't approved on the Part V licence, then an amendment will need to be made to the licence to include the storage infrastructure before an exemption can be granted.

All industry regulation queries should be directed to info@dwer.wa.gov.au with 'Industry regulation query' in the subject line.



8.2 Duration

The duration of an exemption defines how long an organisation is relieved from certain requirements imposed by the Regulations. Under r.16(6) an exemption may be for a period determined by the department's CEO and the CEO may extend the period from time to time.

When setting the duration of the exemption, the department will consider:

- the applicant's practical challenges
- their progress towards meeting e-waste regulation requirements
- the Regulation's objectives
- the preference for a duration that avoids the need for extensions.

Exemptions are intended to reflect the time necessary to efficiently address the issue (e.g. anticipated timeframes for building infrastructure, securing funding or building internal capacity for e-waste management). The department also notes that the volume of e-waste generation will generally increase over time.

Long-term exemptions (10–15 years) may potentially be granted when organisations face significant, persistent challenges to compliance from geographic isolation and logistical challenges, and these circumstances are not expected to change over that timeframe. Longer-term exemptions allow organisations to explore alternative e-waste management strategies and invest into infrastructure and/or technology, and for e-waste markets, management solutions and technology to evolve.

8.3 Considerations specific to applications under r.16(2)(a): e-waste rendered unsuitable for processing or recovery

If an applicant is applying for an exemption under r.16(2)(a) on grounds that an event or circumstance beyond the control of the applicant has rendered regulated e-waste unsuitable for processing or use for resource/energy recovery, the department expects the applicant to have taken reasonable precautions to ensure the regulated e-waste remains in a condition suitable for treatment, processing or recycling. This will reduce the need to apply for an exemption due to an event or circumstances beyond the control of the applicant rendering e-waste unsuitable for processing or recovery.

A failure to take suitable precautions (such as appropriate collection, storage, transport or maintenance procedures) will be considered by the department in determining its response to the application.

Australian Standard AS 5377:2022 Management of electrical and electronic equipment for re-use or recycling is referenced in the Regulations to assist in determining what constitutes reasonable steps in managing e-waste.



8.4 Considerations specific to applications under r.(16)(2)(b): remote locations

Applications for exemption under r.16(2)(b) on grounds that it is unreasonable to expect the applicant to comply with the requirement because regulated e-waste is in a remote location, the department will apply a scoring system to evaluate the relevant considerations below to determine likelihood of exemption.

8.4.1 Remoteness

The department uses the Australian Statistical Geography Standard (ASGS) Remoteness Structure¹ to define a remote location.

The ASGS Remoteness Structure defines and classifies remoteness areas based on geographic and socioeconomic factors as well as accessibility to services and opportunities. These remoteness area classifications are illustrated in Figure 1.

An [interactive map](#)² is available to examine remoteness area boundaries.

¹ [Remoteness Areas | Australian Bureau of Statistics \(abs.gov.au\)](#)

² Australian Bureau of Statistics (2016 to 2021) [Change in the ASGS Remoteness Classification | ASGS Edition 2 \(2016\) to ASGS Edition 3 \(2021\)](#) | 12 April 2023], accessed 21 November 2024



2011 Australian Statistical Geography Standard: Remoteness Structure
Western Australia Remoteness Area boundaries

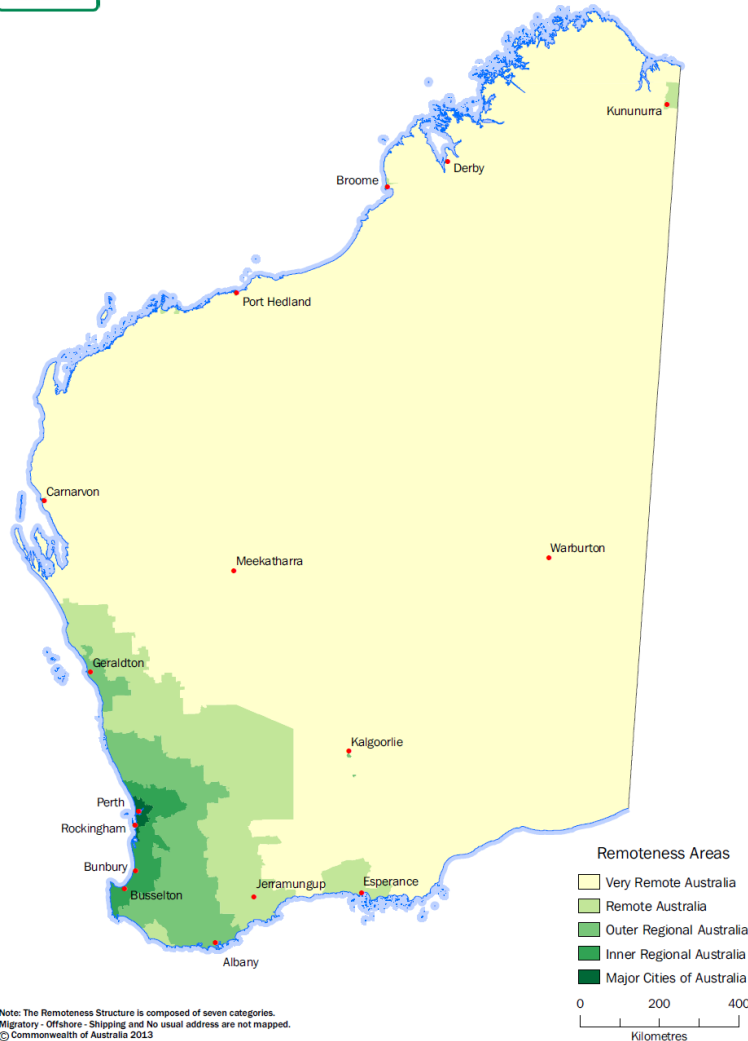


Figure 1: Remoteness area boundaries

The ASGS Remoteness Structure defines five classes of relative geographic remoteness across Australia.

These five classes are:

- **Major Cities of Australia:** which have full access to services and infrastructure.
- **Inner Regional Australia:** which are closer to urban services but still outside major metropolitan areas.
- **Outer Regional Australia:** where access to services is limited, but major infrastructure is still accessible.
- **Remote Australia:** where access to services is difficult, and travel distances are long.
- **Very Remote Australia:** where there is minimal access to services, extremely low population densities, and significant geographic isolation.



The department considers locations within the Outer Regional, Remote and Very Remote categories as 'remote' for the purposes of r.16(2)(b). The more remote the applicant (e.g. Very Remote), the greater the likelihood of exemption being approved due to these applicants facing greater barriers to comply with the Regulations.

Locations within the Major Cities of Australia or Inner Regional class boundaries are not considered 'remote' for the purposes of r.16(2)(b).

The department recognises that some applicants in remote areas may have greater capacity to comply with the Regulations due to larger work forces and existing logistics chains. The department will take this into consideration when assessing remote exemption applications.

Note: applications for exemption under r.16(2)(a), being an event or circumstances beyond the control of the applicant rendering regulated e-waste unsuitable for processing or use for resource or energy recovery, are not based on remoteness.

8.4.2 Access to infrastructure

Logistical challenges and access to waste management infrastructure in remote areas are key factors when evaluating e-waste exemptions. These challenges can significantly impact a community's ability to adequately manage e-waste and may be used to justify the need for an exemption.

Areas not situated within a reasonable distance to suitable waste management infrastructure such as storage facilities, waste collection points, recycling centres and e-waste processing facilities may be considered for an exemption.

8.4.3 Resource recovery potential

An important outcome of the e-waste to landfill ban is to increase resource recovery of valuable materials contained within e-waste, so exemption applications that do not align with this outcome may not be supported.

The department will take the volume of e-waste generated by an applicant into consideration when assessing exemption applications. Applicants generating low volumes of regulated e-waste are more likely to be considered for exemptions, because the impact on resource recovery is lower.

Exemptions for significant generators of e-waste will likely be shorter in duration and may include conditions to ensure the transition period to compliance with the Regulations is managed appropriately.

8.4.4 Receipt of e-waste infrastructure grant

Remote applicants that have received funding under the e-waste infrastructure grants program are unlikely to receive an exemption for matters which the grant was proposed to address.



9. Compliance and enforcement

Approved exemptions are regulatory documents and must be complied with.

The [Compliance and Enforcement Policy](#) provides information on the department's approach to ensuring compliance with the WARR Act and responding to breaches of the law to deter and punish offenders and rehabilitate damage caused to the environment.

Applicants must also ensure they are complying with the general divisions of the EP Act and any other applicable legislative and regulatory requirements.

10. Amending exemption conditions and exemption renewal

If an exemption holder wishes to amend or extend the duration of their exemption due to changed circumstances, they are encouraged to contact ewaste@dwer.wa.gov.au to discuss options.

While minor amendments or extensions can be requested via the email address above, significant changes or extensions for more than 12 months should be made via the [SmartyGrants](#) portal using the standard exemption application form.

Exemption holders should contact the department six months before their existing exemption's expiry date.

11. Further information

For further details on the e-waste to landfill ban exemptions, please contact e-waste@dwer.wa.gov.au or call the department's reception on (08) 6364 7000 to be put into contact with an e-waste policy officer.

The department's [E-waste to landfill ban in WA](#) webpage has more information, including fact sheets, FAQs and record keeping templates.



Document implementation

This guideline is publicly available on the Government of Western Australia [E-waste to landfill ban in WA](#) webpage.

The Circular Economy directorate within the Climate and Sustainability portfolio is responsible for the implementation of this guideline.

This guideline comes into effect on the day it is published. Applications received after publication will be assessed in accordance with the information contained herein.



Related documents

Non-department documents	
Author	Title
Standards Australia	AS 5377:2022 Management of electrical and electronic equipment for re-use or recycling published by Standards Australia
European Parliament and the Council of the European Union	Waste from Electrical and Electronic Equipment (WEEE) Directive (2012/19/EU)
Government of Western Australia	<i>Waste Avoidance and Resource Recovery Act 2007</i>
Government of Western Australia	<i>Environmental Protection Act 1986</i>

Department documents	
Author	Title
Department of Water and Environmental Regulation	<i>Compliance and Enforcement Policy</i>



Custodian and review

The currency of this document will be continuously evaluated and reviewed no later than three years from the date of issue or sooner as required.

Document details	
Lead group (custodian)	Circular Economy Directorate
Current version	1.0



Glossary

Term	Meaning
e-waste service provider	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	a person who occupies premises that constitute a landfill site as specified in the Environmental Protection Regulations 1987 Schedule 1 category 63, 64, 65, 66 or 89.
landfill site	a premises that are specified in the Environmental Protection Regulations 1987 Schedule 1 category 63, 64, 65, 66 or 89
processed materials	materials that are the result of e-waste being transformed, through separation and recycling in accordance with the waste strategy, for resource recovery.
regulated e-waste	types of waste described in Schedule 1 of the Waste Avoidance and Resource Recovery (e-waste) Regulations 2024.
significant entity	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, five or more tonnes of regulated e-waste.

Department of Water and Environmental Regulation

Prime House, 8 Davidson Terrace
Joondalup Western Australia 6027

wa.gov.au/dwer

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