



## Controlled waste fact sheet

# Requirements of packaged controlled waste drivers

## What is packaged controlled waste?

Under the Environmental Protection (Controlled Waste) Regulations 2004 (the Regulations):

**packaged controlled waste** means a controlled waste that is transported otherwise than as a bulk controlled waste;

**bulk controlled waste** means a controlled waste that is transported in a tank;

**tank** means an enclosed space that is on, attached to or part of a vehicle and used, or designed to be used, for the transportation of a liquid or gas in bulk ...

Packaged controlled waste is controlled waste transported in anything other than a tank, including drums, skip bins, intermediate bulk containers (IBCs) or solid wastes such as tyres and contaminated soils.

Controlled waste transported in a tank is bulk controlled waste and different licensing requirements apply to drivers of bulk controlled waste.

For more information on [transporting bulk controlled waste](#), please refer to the Department of Water and Environmental Regulation (the department) website, or contact the department on 08 6364 7000.

## Do I need a controlled waste licence to transport packaged controlled waste?

Drivers transporting packaged controlled waste do not require a controlled waste licence; however, the driver must be employed or engaged by a licensed controlled waste carrier.

## How do I become a packaged controlled waste driver?

You may become a packaged controlled waste driver if you:

- are employed by a licensed controlled waste carrier
- hold a current Western Australian driver's licence under the *Road Traffic Act 1974* for the type of vehicle being driven.

A carrier licensed to transport packaged controlled waste must provide the names of the carrier's drivers who are transporting packaged controlled waste to the department to enable tracking of controlled waste transported on a road.

Under the *Road Traffic Act 1974*:

**road** means any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island thereon ...



## What are the requirements of a packaged controlled waste driver?

### Transporting controlled waste

The carrier should ensure the packaged controlled waste driver is aware of the following conditions of the carrier's licence:

- all vehicles transporting packaged controlled waste should contain a spill management plan and spill management equipment
- all reasonable precautions should be taken and proper instruction provided so that in the event of a spill or discharge of controlled waste from a vehicle, drivers employed or engaged by the carrier know how to refer to and follow the procedures of the spill management plan.

### Before collecting controlled waste

A packaged controlled waste driver should be aware of the validity of a controlled waste tracking form (CWTF) under the Regulations. According to regulation 36:

- (1) Subject to subregulation (1B), a controlled waste tracking form for the transportation of a type of controlled waste on a road is valid —
  - (b) in the case of any other controlled waste, for a period of 21 days beginning on the consignment day; or
  - (c) in the case of any controlled waste, for a period ending when any part of the controlled waste loaded onto the vehicle or tank is unloaded at a waste

facility or under regulation 39(1)(a), whichever is the shorter period.

This means that a CWTF for packaged waste remains valid for 21 days from the date of the first waste collection on the CWTF.

CWTFs cease to be valid as soon as any part of the waste load is unloaded, except at a transit facility or truck-to-truck transfer, regardless of whether the 21-day period has elapsed.

### When collecting controlled waste from a waste holder

Packaged controlled waste drivers have obligations under the Regulations and should be aware of these when collecting controlled waste from a waste holder; namely that the driver:

- before transporting the waste provides the waste holder with a receipt containing the information in Schedule 2, Division 1A of the Regulations
- ensures that the information provided in the receipt is not false, misleading or likely to deceive
- ensures loads over 200 kilograms or 200 litres are accompanied by a valid CWTF that contains the information in Schedule 2, Division 3 of the Regulations 2004.

A packaged controlled waste driver should be aware of a waste holder's obligations under the Regulations; namely that:

- if the waste holder is present at the time of the controlled waste collection, the driver provide



the waste holder the opportunity to sign the CWTF.

The carrier should ensure the packaged controlled waste driver is aware of the following conditions in the carrier's licence:

- different waste codes of packaged controlled waste are not mixed within individual packages, with the exception of J100 – Waste mineral oils unfit for their intended purpose together with coolant waste categorised in waste code M130 – Non halogenated organic chemicals
- each unit of packaged controlled waste is clearly labelled with the waste code and waste name it contains before being transported
- when transporting packaged controlled waste, the waste is transported in a separate compartment from the driver
- no controlled waste package protrudes above the sides or gates of the vehicle by more than 30 per cent of the height of the package.

### **During transport of controlled waste**

When transporting packaged controlled waste on a road, a packaged controlled waste driver should be aware of his or her obligations under the Regulations; namely that the driver:

- ensures the vehicle is used in such a way as to prevent waste spilling, discharging or falling from the vehicle.

The carrier should ensure the packaged controlled waste driver is

aware of the following condition of the carrier's licence:

- the department is notified as soon as practicable if any waste is spilling or falling from the vehicle or is discharged to a location other than an appropriate waste facility.

### **When unloading controlled waste at a waste facility**

The packaged controlled waste driver should be aware of his or her obligations under the Regulations prior to unloading the controlled waste at a waste facility; namely:

- the driver ensures the CWTF for the load is valid
- the driver ensures the controlled waste is only unloaded at a waste facility that may lawfully receive that type of controlled waste
- before unloading the controlled waste at the waste facility and if the occupier of the waste facility is present, the driver provides the CWTF to the occupier of the waste facility
- if the occupier of the waste facility is not present when the driver proposes to unload a controlled waste at the waste facility the carrier, or the driver, must within seven days of unloading the controlled waste at the waste facility provide the occupier of the waste facility with a copy of the CWTF or the controlled waste tracking number and the information that the CWTF contains as set out in Schedule 2, Division 3 of the Regulations.



The packaged controlled waste driver should be aware of the occupier of the waste facility obligations under the Regulations; namely that if the occupier of the waste facility is present when the driver proposes to unload controlled waste at the waste facility:

- immediately after the waste is unloaded at the waste facility the driver provides the occupier of the waste facility the opportunity to record on the CWTF the information relating to that waste as set out in Schedule 2 Division 4 of the Regulations
- the occupier of a waste facility must give to the driver, or send to the carrier, a signed receipt for the waste bearing the controlled waste tracking number for the transportation of the waste unloaded at the waste facility.

### **After unloading controlled waste at a waste facility**

Due to the carrier's obligations under the Regulations, a packaged controlled waste driver may be given instruction from the carrier to return the CWTF to the carrier after unloading the controlled waste, to ensure:

- the CWTF contains all of the information listed in Schedule 2, Division 3 of the Regulations
- a copy of the CWTF, or the controlled waste tracking number and the information as set out in Schedule 2, Division 3 is provided to the department within 14 days of the controlled waste being unloaded from the

vehicle or tank at a waste facility

- a record of the CWTF information is held for at least three years from the day the tracking form becomes valid.

### **Penalties**

Failure to meet these responsibilities may constitute an offence under Regulations and may attract on-the-spot fines of \$250 or \$500, or a penalty of up to \$5,000, as determined by a court. Pursuant to s.40(5) of the *Sentencing Act 1995*, offences committed by corporations may attract a fine of up to \$25,000 as determined by a court.



## More information

For advice on compliance with the Regulations or any other controlled waste matter, please contact the department on 08 6364 7000, or email [controlled.waste@dwer.wa.gov.au](mailto:controlled.waste@dwer.wa.gov.au).

This document is available in alternative formats and other languages on request.

## Related documents

Additional [publications about controlled waste](#) and related [controlled waste fact sheets](#) are available on the department website, or by contacting the department on 08 6364 7000.

## Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation.

Please refer to the Regulations and the *Environmental Protection Act 1986* available from the Parliamentary Counsel's Office. Free electronic copies are available from the [Parliamentary Counsel's Office website](#).

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## Legal advice

The information provided to you by the department in relation to this matter does not constitute legal advice. Due to the range of legal issues potentially involved in this matter, the department recommends that you obtain independent legal advice.