



Western Australia

Environmental Protection (Controlled Waste) Regulations 2004

Compare between:

[18 Nov 2013, 00-e0-02] and [02 Aug 2014, 00-f0-01]

Environmental Protection (Controlled Waste) Regulations 2004

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Environmental Protection (Controlled Waste) Regulations 2004*.

2. Terms used in these regulations

In these regulations, unless the contrary intention appears —
apparatus for the treatment of sewage means any apparatus for the bacteriolytic or aerobic treatment of sewage or any other apparatus for the treatment of sewage approved by the Executive Director, Public Health under the *Health Act 1911*;

approved means approved [in writing](#) by the CEO;

bulk controlled waste means a controlled waste that is transported in a tank ~~on, attached to or part of a vehicle~~;

carrier means a person licensed as a carrier under these regulations;

clinical waste means waste generated by medical, nursing, dental, veterinary, pharmaceutical or other related activity which is —

- (a) poisonous or infectious;
- (b) likely to cause injury to public health; or

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(c) contains human tissue or body parts;

controlled waste means ~~a waste~~ any matter that is —

(a) within the definition of waste in the NEPM for the Movement of Controlled Waste between States and Territories; and

(b) listed in Schedule 1;

controlled waste tracking form means an approved form —

(a) that has been issued by the Department in paper or electronic form to track the transportation of a type of controlled waste; and

(b) that has not ceased to be valid under regulation 36~~(1)~~₂;

controlled waste tracking number means the unique number recorded on a controlled waste tracking form under regulation 38~~(5)~~₂;

corresponding law means a law of another State or a Territory relating to the transportation or disposal of a controlled waste;

~~**disposal site** means —~~

~~(a) a waste treatment facility or depot licensed under Part V of the Act to treat, reuse or dispose of a controlled waste; or~~

~~[(b) deleted]~~

~~(c) a waste treatment facility or depot licensed, registered or otherwise approved to treat, reuse or dispose of a controlled waste under a corresponding law; or~~

~~(d) premises licensed under section 45(1)(c) of the Explosives and Dangerous Goods Act 1961; or~~

~~(e) a sewer of a licensee under the Water Services Act 2012; or~~

~~(f) a site approved by the CEO; or~~

~~(g) premises registered under regulation 5B of the Environmental Protection Regulations 1987;~~

interstate licence means a licence, authorisation, permit, notice, registration or approval in force in another State or a Territory under a corresponding law;

licence means a licence under these regulations;

packaged controlled waste means a controlled waste that is transported ~~in~~ otherwise than as a ~~container~~ bulk controlled waste;

sewage means waste containing faecal matter or urine;

solid means a substance that —

- (a) has an angle of repose of greater than 5 degrees;
- (b) does not contain, or is not comprised of, any free liquids;
- (c) does not contain, or is not comprised of, any liquids that are capable of being released when the waste is transported;
- (d) does not become free flowing at or below 60 degrees Celsius or when it is transported; and
- (e) is capable of being moved by a spade at normal temperatures;

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 ~~on a vehicle~~;

transit facility means a waste facility that may be used for the temporary storage of a controlled waste;

vehicle means a self-propelled vehicle operated on a road, or trailer or semi-trailer when attached to such a self-propelled vehicle;

waste ~~generator~~ facility means —

~~(a person whose activities or apparatus result)~~ prescribed premises in respect of which a licence has been issued under Part V of the ~~production of~~ Act to store, treat, reuse or dispose of a controlled waste; or ~~produce waste~~;

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- (b) a facility licensed, registered or otherwise approved to store, treat, reuse or dispose of a controlled waste under a corresponding law; or
- (c) a facility at which a controlled waste may be lawfully unloaded for transportation to another State or a Territory or overseas; or
- (d) a dangerous goods site licensed under the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* Part 4; or
- (e) a sewer of a licensee under the *Water Services Act 2012*; or
- (f) premises registered under the *Environmental Protection Regulations 1987* regulation 5B to store, treat, reuse or dispose of a controlled waste; or
- (g) a site approved by the CEO as a waste facility; or
- (h) a facility at which a controlled waste may be lawfully unloaded, stored, treated, reused or disposed of otherwise than as provided for in another paragraph of this definition;

waste holder means a person —

- (a) who is in possession or control of a controlled waste on premises; or
- (b) whose apparatus or activities produce controlled waste.

[Regulation 2 amended in Gazette 20 Jun 2008 p. 2684;
14 Nov 2013 p. 5039-40; 1 Aug 2014 p. 2787-90.]

3. Application of regulations

[(1). (2) deleted]

- (3) These regulations do not apply to a matter referred to in clause 8(d), (e), ~~(f)~~, ~~(g)~~, (h) or ~~(h)~~ (i) of the NEPM for the *Movement of Controlled Waste Between States and Territories*.

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- (4) Subject to subregulations (5) and (6), these regulations apply to a controlled waste that is produced by or as the result of —
- (a) an industrial or commercial activity;
 - (b) a medical, nursing, dental, veterinary, pharmaceutical or other related activity;
 - (c) activities carried out on or at a laboratory; or
 - (d) an apparatus for the treatment of sewage.
- (5) This subregulation, the provisions contained in Part 3 Division 6 and regulation 53 are the only provisions of these regulations that apply to the transportation of asbestos.
- (6) These regulations do not apply to any of the following —
- (a) a controlled waste that is transported on a road under the *Radiation Safety (Transport of Radioactive Substances) Regulations 2002*;
 - (b) a controlled waste that ~~is transported on a road to~~ and may be lawfully accepted ~~for burial in~~ at a Class I inert landfill site, a Class II putrescible landfill site or a Class III putrescible landfill site (as determined by reference to the waste types set out in the document entitled “*Landfill Waste Classification and Waste Definitions 1996*” published by the CEO and as amended from time to time) other than —
 - (i) asbestos; or
 - (ii) clinical or related waste; or
 - (iii) tyres; or
 - (iv) ~~waste that has been immobilised or~~ encapsulated, chemically fixed, solidified or polymerised controlled wastes.

[Regulation 3 amended in Gazette 13 Apr 2007 p. 1669; 1 Aug 2014 p. 2790.]

Part 2 — Licensing

Division 1 — General matters

4. Application for licence

- (1) An application for a licence is to be —
 - (a) made in the approved manner and approved form duly completed; and
 - (b) accompanied by the appropriate fee prescribed in Schedule 3.
- (2) The CEO may, before determining an application for a licence, require the applicant to provide the CEO with such further information as the CEO requires in any particular case.

5. Licensing

- (1) Subject to subregulation (2) and regulations 12 and 18, the CEO is to grant an application made under regulation 4 and issue a licence to the applicant.
- (2) The CEO may refuse an application made under regulation 4 if —
 - (a) the applicant, or where the applicant is a body corporate, an individual concerned with the control and management of the body corporate, has been convicted of an offence against the Act, these regulations or any other offence that relates to the transportation, storage or disposal of a controlled waste; [or](#)
 - (b) the CEO has reasonable grounds to suspect that the applicant, or where the applicant is a body corporate, an individual concerned with the control and management of the body corporate, is not of good character and repute and fit to be involved in the business in respect of which the application is made; [or](#)
 - (c) the applicant's licence is suspended; [or](#)

- (d) the applicant, or where the applicant is a body corporate, an individual concerned with the control and management of the body corporate, has previously been licensed under these regulations and that licence has been cancelled or refused renewal; or
 - (e) the applicant has been refused ~~a~~an interstate licence or a renewal of ~~a~~an interstate licence ~~under a corresponding law~~ or the applicant's interstate licence ~~under a corresponding law~~ has been cancelled, revoked or withdrawn; or
 - (f) the CEO has reasonable grounds to suspect that the application contains or is accompanied by information that is false or misleading to a significant extent; or
 - (g) the applicant is already the holder of a licence, or where the applicant is a body corporate, an individual concerned with the control and management of the body corporate, is already the holder of a licence or is concerned with the control and management of a body corporate that is already the holder of a licence.
- (3) If the CEO has not determined an application made under regulation 4 by the end of the period of 30 days —
- (a) beginning on the day on which the application was made to the CEO; or
 - (b) beginning on the day on which information required to be provided under regulation 4(2) is received by the CEO,

whichever is the later, he or she is taken to have made a decision to refuse the application on the last day of that period.

[\[Regulation 5 amended in Gazette 1 Aug 2014 p. 2791.\]](#)

6. Conditions

- (1) The CEO may issue or renew a licence subject to such conditions as the CEO thinks fit to impose.

- (2) The CEO may at any time by written notice —
 - (a) impose conditions upon a licence that has been granted;
 - (b) add to, change or remove conditions already imposed; and
 - (c) in the case of a licence issued to a carrier or a driver, add or remove a type of controlled waste specified in the licence.
- (3) If the CEO decides to act under subregulation (2) —
 - (a) the CEO is to give written notice of the decision to the holder of the licence; and
 - (b) the decision does not take effect until 7 days after the notice is given, or such later time as is set out in the notice.
- (4) A person who holds a licence and who contravenes a condition to which that licence is subject commits an offence.
- (5) A person who holds a licence may apply to the CEO for a condition of a licence to be changed or removed by application —
 - (a) made in the approved form; and
 - (b) accompanied by the appropriate fee prescribed in Schedule 3.

7. Refund of fee

A full or partial refund of the fee accompanying an application for a licence, or for the renewal of a licence, may be made to the applicant at the discretion of the CEO if the application is not granted or, if granted, the licence is ~~granted~~ issued or renewed for a period of less than one year, 3 years or 5 years, as the case requires, but no refund is demandable.

[Regulation 7 inserted in Gazette 1 Aug 2014 p. 2791.]

8. Validity of licence

Subject to these regulations, a licence under these regulations is valid for ~~one year~~ a period, beginning on the day it is issued, of one year, 3 years or 5 years, as specified in the licence.

[Regulation 8 inserted in Gazette 1 Aug 2014 p. 2791.]

9. Renewal of licence

(1) Upon application —

- (a) made before a licence expires;
- (b) made in the approved manner and the approved form duly completed; and
- (c) accompanied by the appropriate fee prescribed in Schedule 3,

the CEO may renew the licence.

- (2) An applicant for renewal of a licence may apply to renew the licence for a period of one year, 3 years or 5 years and subject to these regulations the renewal, if granted, is to have effect for that period.
- (3) A renewal of a licence takes effect on the day immediately succeeding the day on which the previous licence expired or will expire.

[Regulation 9 amended in Gazette 1 Aug 2014 p. 2792.]

10. Cancellation or suspension of, refusal to renew, licence

(1) Subject to this regulation, the CEO may cancel, suspend for a fixed period, or refuse to renew a licence if —

- (a) the holder has been convicted of an offence against the Act, these regulations, or any other offence that relates to the transportation, storage or disposal of a controlled waste; or

- (b) there has been a breach of a condition to which the licence is subject; or
- (c) the CEO has reasonable grounds to suspect that the licence was obtained by fraud or misrepresentation; or
- (d) the holder's interstate licence ~~or registration under a corresponding law~~ has been cancelled, revoked, withdrawn or suspended or a renewal of that licence ~~or registration~~ has been refused.

(2A) Without limiting subregulation (1), if the CEO has reasonable grounds to suspect that the holder of a licence, or if the holder of the licence is a body corporate, an individual concerned with the control and management of the body corporate, is not of good character and repute and fit to be involved in the business in respect of which the licence is held, the CEO may cancel, suspend for a fixed period, or refuse to renew the licence.

- (2) If the holder of a licence is charged with an offence under the Act or a corresponding law relating to the transportation, storage or disposal of a controlled waste or an offence under these regulations, the CEO may suspend the licence until the charge in respect of the offence has been finally dealt with or determined according to law.

(3A) Without limiting regulation 37(2), if a carrier does not pay the fee payable under regulation 37(1) for a controlled waste tracking number within the time specified by the CEO, the CEO may suspend the carrier's licence until the fee is paid.

- (3) Unless otherwise provided in these regulations, if the CEO proposes to cancel, suspend or refuse to renew a licence, the CEO is to give to the holder of the licence written notice of the proposal and the reasons for the proposal.
- (4) A notice given under subregulation (3) is to state that within 14 days after the notice is given, the person to whom it is given may make written representations to the CEO concerning the matter, and the CEO is not to determine the matter without

considering any representations received within that period of 14 days.

- (5) If the CEO cancels, suspends or refuses to renew a licence, the CEO is to give to the holder of the licence written notice of the cancellation, suspension or refusal to renew.

[*\[Regulation 10 amended in Gazette 1 Aug 2014 p. 2792-3.\]*](#)

Division 2 — Carriers

11. Certain carriers to be licensed

- (1) A person who —
- (a) transports or causes to be transported for gain or reward on a road a bulk controlled waste or a packaged controlled waste; and
 - (b) is not licensed as a carrier,
- commits an offence.
- (2) Subregulation (1) does not apply to a driver employed or engaged by a carrier.

12. Refusal of licence

In addition to the grounds specified in regulations 5 and 10, the CEO may refuse an application for, or for renewal of, a licence as a carrier, or suspend or cancel the licence of a carrier, if the CEO is satisfied that the applicant or carrier is not competent to operate as a carrier of a type of controlled waste referred to in regulation 11(1)(a).

13. Sub-contractors

- (1) If a carrier sub-contracts the transportation on a road of a type of controlled waste referred to in regulation 11(1)(a), the carrier's sub-contractor must not transport or cause to be transported that type of controlled waste if the sub-contractor is not licensed as a carrier.

- (2) A sub-contractor who contravenes subregulation (1) commits an offence.

14. Employment of unlicensed driver to transport bulk controlled waste

If —

(a) a carrier —

— ~~(a)~~ employs or engages a person to drive a vehicle ~~of the carrier~~ to transport a bulk controlled waste on a road; and

- (b) the driver is not licensed to transport that type of controlled waste,

the carrier commits an offence.

[Regulation 14 inserted in Gazette 1 Aug 2014 p. 2793.]

15. Notification of employment of licensed drivers

- (1) A carrier who does not within 14 days of the commencement of these regulations or of being licensed as a carrier give the CEO notice in writing of the names of any licensed drivers employed by the carrier commits an offence.
- (2) A carrier who does not notify the CEO in writing within 14 days of a licensed driver commencing or ceasing to be employed by the carrier commits an offence.

16. Interstate carriers

In proceedings against a person for a breach of a regulation listed in the Table to this regulation it is a defence for a person who transports or causes to be transported from another State or a Territory to this State for gain or reward on a road ~~a consignment of~~ any controlled waste of a type referred to in regulation 11(1)(a) to prove that the person had an interstate licence to transport or cause to be transported that type of ~~the~~ controlled waste.

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[\[Regulation 16 amended in Gazette 1 Aug 2014 p. 2793.\]](#)

Division 3 — Drivers

17. Drivers to be licensed

A person —

- (a) who is employed or engaged by a carrier to drive a vehicle ~~of the carrier~~ to transport a bulk controlled waste on a road; and
- (b) who is not licensed as a driver,

commits an offence.

[\[Regulation 17 amended in Gazette 1 Aug 2014 p. 2794.\]](#)

18. Refusal of licence

- (1) In addition to the grounds specified in regulations 5 and 10, the CEO may refuse an application for, or for renewal of, a licence as a driver, or suspend or cancel the licence of a driver, if the CEO is satisfied that the applicant or driver does not have adequate technical competence to drive a vehicle transporting a bulk controlled waste.

- (2) [For the purposes of subregulation \(1\) and without limiting regulation 4\(2\), the CEO may require an applicant or driver to demonstrate adequate technical competence to drive a vehicle transporting a bulk controlled waste by doing one or more of the following —](#)

[\(a\) completing an appropriate approved driver training course;](#)

[\(b\) passing a written test or examination that is part of the driver training course approved under paragraph \(a\);](#)

(c) providing any information relevant to driving a vehicle transporting a bulk controlled waste that is specified by the CEO.

(3) An applicant or driver who refuses to comply with a requirement under subregulation (2) is to be taken not to have adequate technical competence to drive a vehicle transporting a bulk controlled waste.

[Regulation 18 amended in Gazette 1 Aug 2014 p. 2794.]

19. Driver identification card

- (1) The CEO is to issue a driver identification card to each licensed driver.
- (2) A licensed driver who fails —
 - (a) to carry his or her driver identification card at all times while engaged in the transportation of a bulk controlled waste on a road; or
 - (b) when required to do so by an inspector, to produce for inspection his or her driver identification card,

commits an offence.

20. Recognition of a licence issued in another State or a Territory

- (1) A person who —
 - (a) has an interstate licence as a driver to transport a bulk controlled waste;
 - (b) applies to and satisfies the CEO that, having regard to regulation 5, the person is a suitable person to be licensed as a driver of a vehicle transporting a bulk controlled waste; and
 - (c) pays the appropriate fee prescribed in Schedule 3,

is to be licensed as a driver.

- (2) If the person's interstate licence is not subject to any condition or restriction, the person's licence under these regulations is not to be subject to any condition or restriction.
- (3) If the person's interstate licence is subject to any condition or restriction, the person's licence under these regulations is to be subject to the conditions and restrictions to which the interstate licence is subject or such other or further conditions or restrictions as the CEO specifies.
- (4) This regulation does not have effect in respect of a person while the State is a participating jurisdiction as defined in the *Mutual Recognition Act 1992* section 4(1) of the Commonwealth.

Division 4 — Vehicle or tank

21. Vehicles and tanks of carriers to be licensed

A carrier who transports or causes to be transported a bulk controlled waste on a road in a vehicle or tank other than —

- (a) a vehicle or tank that is licensed under this Part to transport a bulk controlled waste; or
- (b) a vehicle licensed under the *Dangerous Goods (Transport) (Explosives by Safety (Road and Rail Transport of Non-explosives) Regulations 1999 2007*; or
- (c) a vehicle or tank or class of vehicle or tank that the CEO has exempted from the requirement to be licensed,

commits an offence.

[\[Regulation 21 amended in Gazette 1 Aug 2014 p. 2795.\]](#)

22. Application for licence and inspection of vehicle or tank

- (1) An application for a licence for a vehicle or tank may be made only by a carrier.
- (2) Before an application for a licence for a vehicle or tank is determined the applicant may be required by the CEO to submit

the vehicle or tank for inspection at a time and place satisfactory to the CEO.

- (3) The CEO may by written notice require the owner of a licensed vehicle or tank to submit the vehicle or tank for inspection at a time and place specified in the notice.
- (4) The CEO may by written notice direct that a licensed vehicle or tank is to be modified as specified in the notice if the CEO is of the opinion that the vehicle or tank requires that modification in order to comply with a condition subject to which the vehicle or tank is licensed.
- (5) An owner of a vehicle or tank who fails to comply with a notice issued under subregulation (3) or (4) commits an offence.

23. Issue of licence

- (1) A licence is not to be issued in respect of a vehicle or tank of a carrier unless the vehicle or tank has such equipment, systems or modifications as the CEO may require as a condition of licensing the vehicle or tank.
- (2) Nothing in subregulation (1) limits the power of the CEO at any time under regulation 6 to impose, add to, change or remove conditions upon a licence in respect of equipment, systems or modifications.
- (3) In addition to the grounds specified in regulation 10, the CEO may cancel, suspend for a fixed period, or refuse to renew a licence for a vehicle or tank if modifications relating to any of the matters referred to in subregulation (1) are made to the vehicle or tank without the approval of the CEO.

24. Validity of licence

- (1) The licence for a vehicle or tank of a carrier remains valid only while the licence of the carrier is valid.

- (2) If the licence of a carrier is suspended, the licence for each vehicle or tank of the carrier is suspended for the period of the suspension of the carrier's licence.

Division 5 — Assignment of carrier's business and transfer of licence

[Heading inserted in Gazette 1 Aug 2014 p. 2795.]

25A. Terms used

In this Division —

assign, in relation to a business, vehicle or tank, means to sell or otherwise dispose of the business, vehicle or tank;

assignee means the person to whom a business, vehicle or tank is assigned;

assignment time means when a business, vehicle or tank is assigned, as referred to in regulation 25B(1);

licence means a carrier's licence or a licence issued in respect of a vehicle or tank.

[Regulation 25A inserted in Gazette 1 Aug 2014 p. 2795.]

25B. Assignment of carrier's business

- (1) Within 30 days after a carrier assigns to another person —

(a) the business in respect of which the carrier's licence is held; or

(b) a licensed vehicle or licensed tank,

the carrier must give written notice to the CEO of that assignment.

- (2) A carrier who contravenes subregulation (1) commits an offence.

[Regulation 25B inserted in Gazette 1 Aug 2014 p. 2796.]

25C. Transfer of licence

(1) This regulation applies if —

(a) a business, vehicle or tank is assigned as referred to in regulation 25B(1); and

(b) the assignee proposes to carry on the business, or operate the vehicle or tank, under the licence that had effect immediately before the assignment time.

(2) An application for the transfer of a licence to the assignee —

(a) is to be made by the assignee to the CEO in the approved form within 30 days after the assignment time; and

(b) is to be accompanied by the appropriate fee prescribed in Schedule 3.

(3) The CEO may, before determining an application for the transfer of a licence to the assignee, require the assignee to provide the CEO with any further information that the CEO requires in any particular case.

(4) If the assignee complies with subregulations (2) and (3) and with any conditions to which the licence was subject at the assignment time, the assignee is to be regarded as having been the holder of the licence during the period —

(a) beginning at the assignment time; and

(b) continuing while the application for the transfer of the licence is pending.

(5) Regulations 5, 6, 7 and 12 apply, with any necessary modifications, for the purposes of an application under this regulation as if it were an application under regulation 4.

[Regulation 25C inserted in Gazette 1 Aug 2014 p. 2796-7.]

25D. Validity of transferred licence

Subject to these regulations, a licence that is transferred to the assignee under regulation 25C is valid for the remainder of the period for which it would have been valid if it had not been transferred.

[Regulation 25D inserted in Gazette 1 Aug 2014 p. 2797.]

25E. Transitional

(1) In this regulation —

former holder of the licence means the person who held the licence immediately before the assignment time.

(2) The transfer of a licence under regulation 25C does not affect any requirement imposed under these regulations on the former holder of the licence —

(a) to pay a fee that was payable immediately before the assignment time; or

(b) to send a controlled waste tracking form or other information to the CEO that had not been sent at that time.

[Regulation 25E inserted in Gazette 1 Aug 2014 p. 2797.]

Part 3 — Transportation and ~~disposal~~unloading of a controlled waste

[Heading amended in Gazette 1 Aug 2014 p. 2798.]

Division 1 — Waste holder's ~~and waste generator's~~ obligations

[Heading amended in Gazette 1 Aug 2014 p. 2798.]

25. Obligations relating to transportation

- (1) A waste holder ~~or a waste generator~~ who causes or allows a controlled waste of a type referred to in regulation 11(1)(a) in ~~his or her~~the waste holder's possession or control to be transported on a road by a person other than a carrier ~~that is not~~ licensed to transport that type of controlled waste commits an offence.
- (2) A waste ~~generator~~holder who gives a packaged controlled waste to a person or allows a person to collect that waste in a container that is not fit for the transportation of that waste commits an offence.
- (3) A waste ~~generator~~holder who does not, ~~before giving~~ provide to a carrier transporting a controlled waste ~~to a carrier for the waste holder, or allowing to~~ a person ~~to collect~~collecting a controlled waste, ~~describe~~ from the waste holder, the information relating to that ~~carrier~~waste set out in Schedule 2 Division 2 commits an offence.
- (4A) A waste holder who does not sign, or ~~person the type of~~ cause the waste holder's representative to sign, the controlled waste ~~to be~~ tracking form held by the person collecting a controlled waste from the waste holder commits an offence.
- (4B) Subregulation (4A) does not apply if the waste holder is not present or represented when the controlled waste is collected ~~commits an offence~~ from the waste holder.

- (4) A waste ~~generator who describes the type of controlled waste holder who provides information relating to be collected by a carrier or person in a manner~~ the controlled waste under subregulation (3) that is —
- (a) false or misleading in a material particular; or
 - (b) likely to deceive in a material way,
- commits an offence.
- (5) A waste ~~generator~~ holder who engages a carrier to transport a controlled waste must keep a receipt issued by the carrier's driver under regulation 35 for not less than 3 years from the day on which the waste was loaded onto or into the carrier's vehicle or tank.
- (6) A waste ~~generator~~ holder who contravenes subregulation (5) commits an offence.

[Regulation 25 amended in Gazette 1 Aug 2014 p. 2798-9.]

26. Notice of controlled waste

- (1) The CEO may require a waste holder in possession or control of controlled waste to give the CEO a notice containing any one or more of the following items of information —
- (a) the type of controlled waste in the possession or control of the waste holder;
 - (b) the quantity of the controlled waste in the possession or control of the waste holder;
 - (c) the location of the premises and the place on those premises where the controlled waste is held.
- (2) A waste holder who is required to give the CEO a notice under subregulation (1) and who fails to give the notice within 14 days of receiving the request from the CEO commits an offence.

[Regulation 26 amended in Gazette 1 Aug 2014 p. 2799.]

27. Directions to transport ~~a~~-controlled waste to ~~a disposal site~~ waste facility

- (1) In this regulation —
specified waste means a controlled waste in the possession or control of a waste holder and specified in the notice.
- (2) The CEO may give a waste holder a notice requiring the waste holder to cause a specified waste to be transported to a ~~disposal site~~ waste facility in the manner and within the time specified in the notice.
- (3) A waste holder who fails to cause a specified waste to be transported to a ~~disposal site~~ waste facility in the manner or within the time specified in the notice referred to in subregulation (2) commits an offence.

[\[Regulation 27 amended in Gazette 1 Aug 2014 p. 2800.\]](#)

Division 2 — Carrier's obligations

28. Controlled waste tracking ~~number~~ form required to transport ~~a~~-controlled waste

- (1) A carrier who transports or causes to be transported a controlled waste on a road without a controlled waste tracking ~~number~~ form, containing the information set out in Schedule 2 Division 3, for the transportation of that waste commits an offence.
- (2) In proceedings against a carrier for a breach of subregulation (1) it is a defence for the carrier to prove that the controlled waste was a packaged controlled waste and the total weight or volume of packaged controlled waste being transported on the vehicle ~~or in a tank~~ of the carrier at any one time was less than 200 kg or 200 L.

[\[Regulation 28 amended in Gazette 1 Aug 2014 p. 2800.\]](#)

29. Obligations of carrier as to the transportation of a controlled waste

- (1) A carrier who fails to ensure that a driver, employed or engaged by the carrier, of a vehicle ~~of the carrier~~ which is being used to transport a controlled waste on a road has a controlled waste tracking ~~number~~form, containing the information set out in Schedule 2 Division 3, for the transportation of the waste commits an offence.
- (2) In proceedings against a carrier for a breach of subregulation (1) it is a defence for the carrier to prove that the controlled waste was a packaged controlled waste and the total weight or volume of packaged controlled waste being transported by the driver on a vehicle ~~or in a tank of the carrier~~ at any one time was less than 200 kg or 200 L.

[Regulation 29 amended in Gazette 1 Aug 2014 p. 2800.]

30. Obligations of carrier as to vehicles and tanks used to transport a controlled waste

- (1) A carrier who fails to ensure that a vehicle or tank of the carrier — that is being used on a road to transport a controlled waste is used in such a way as to prevent the waste spilling, discharging or falling from the vehicle or tank commits an offence.
 - ~~(a) is used on a road in such a way as to prevent a controlled waste spilling, discharging or falling from the vehicle or tank; and~~
 - ~~(b) has on each side and on the rear of the vehicle or tank, a sign with the words “Controlled waste”, the name of the carrier and the licence number of the carrier displayed on it,~~~~commits an offence.~~
- (2) In proceedings against a carrier for a breach of subregulation (1), it is a defence to prove that —

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- (a) the carrier issued proper instructions and took reasonable precautions to ensure that the ~~driver of the vehicle complied~~ or tank was used in compliance with subregulation (1); and
- (b) the ~~offence~~ vehicle or tank was committed by the ~~driver~~ used otherwise than in compliance with subregulation (1) without the carrier's knowledge; and
- (c) the carrier could not by the exercise of reasonable diligence have prevented the commission of the offence.

~~31~~ [Regulation 30 amended in Gazette 1 Aug 2014 p. 2801.]

31A. **Obligations of carrier as to ~~receipt~~ transportation of anything other than controlled waste in licensed vehicle or tank**

- (1) A carrier who ~~fails~~, except with the written permission of the CEO, transports or causes to ~~ensure~~ be transported on a road anything that a ~~driver of~~ is not a ~~vehicle of the carrier~~ gives controlled waste in a waste generator a receipt vehicle or tank licensed under ~~regulation 35~~ Part 2 commits an offence.
- (2) In proceedings against a carrier for a breach of subregulation (1), it is a defence to prove that —
 - (a) the carrier issued proper instructions and took reasonable precautions to ensure that the ~~driver~~ ~~complied~~ vehicle or tank was used in compliance with subregulation (1); and
 - (b) the ~~offence~~ vehicle or tank was committed by the ~~driver~~ used otherwise than in compliance with subregulation (1) without the carrier's knowledge; and
 - (c) the carrier could not by the exercise of reasonable diligence have prevented the commission of the offence.

[Regulation 31A inserted in Gazette 1 Aug 2014 p. 2801-2.]

31. Obligations of carrier as to receipt

- (1) A carrier who fails to ensure that a driver employed or engaged by the carrier gives a waste holder a receipt under regulation 35 commits an offence.
- (2) In proceedings against a carrier for a breach of subregulation (1), it is a defence to prove that —
- (a) the carrier issued proper instructions and took reasonable precautions to ensure that the driver complied with subregulation (1); and
 - (b) the driver failed to comply with subregulation (1) without the carrier's knowledge; and
 - (c) the carrier could not by the exercise of reasonable diligence have prevented the commission of the offence.

[Regulation 31 amended in Gazette 1 Aug 2014 p. 2802.]

32A. Obligations of carrier as to controlled waste tracking form information

- (1) In this regulation —
- controlled waste tracking form information* means the information required to be contained in a controlled waste tracking form under regulation 28(1).
- (2) A carrier who fails to keep a record of controlled waste tracking form information for at least 3 years from the day on which the relevant controlled waste tracking form becomes valid under regulation 36 commits an offence.

[Regulation 32A inserted in Gazette 1 Aug 2014 p. 2803.]

Division 3 — Driver's obligations

32. Obligations of drivers as to transportation of a controlled waste

- (1) A driver who transports on a road a controlled waste without a controlled waste tracking ~~number~~form, containing the information set out in Schedule 2 Division 3, for the transportation of that waste commits an offence.
- (2) In proceedings against a driver for a breach of subregulation (1) it is a defence for the driver to prove that the controlled waste was a packaged controlled waste and the total weight or volume of packaged controlled waste being transported by the driver at any one time was less than 200 kg or 200 L.

[Regulation 32 amended in Gazette 1 Aug 2014 p. 2803.]

33. Obligations of drivers as to vehicles or tanks used to transport a controlled waste

A driver who fails to ensure that a vehicle or tank that he or she is using on a road to transport a controlled waste is used in such a way as to prevent the waste spilling, discharging or falling from the vehicle or tank commits an offence.

[Regulation 33 amended in Gazette 1 Aug 2014 p. 2803.]

34. Obligations of drivers as to transportation of ~~liquids~~anything other than controlled waste in licensed vehicle or tank

A licensed driver who, ~~except with the written permission of the CEO,~~ carries ~~a liquid~~anything that is not a controlled waste in a ~~tank that has been used to carry a controlled waste~~vehicle or tank licensed under Part 2 commits an offence. ~~unless —~~

- (a) the CEO has given written permission to the carrier under regulation 31A; and
- (b) the driver has obtained a copy of that permission.

[\[Regulation 34 inserted in Gazette 1 Aug 2014 p. 2804.\]](#)

35. Obligations of driver to provide a receipt

(1) A driver who ~~transports~~, before transporting a controlled waste on a road for a waste ~~generator and who~~holder, does not ~~before the waste is transported by the driver~~ give the waste ~~generator~~holder a receipt setting out—

~~(a) the controlled waste tracking number for the transportation of the waste;~~

~~(b) the type of controlled waste;~~

~~(c) the quantity of controlled waste loaded onto or into the driver's vehicle or tank; and~~

~~(d) the date the waste is loaded onto or into the driver's vehicle or tank;~~

~~the information in Schedule 2 Division 1~~ commits an offence.

(2) A driver who makes a statement in a receipt given under subregulation (1) that is —

(a) false or misleading in a material particular; or

(b) likely to deceive in a material way,

commits an offence.

[\[Regulation 35 amended in Gazette 1 Aug 2014 p. 2804.\]](#)

Division 4 — Controlled waste tracking form and controlled waste tracking number

36. Validity of controlled waste tracking form

~~(1)~~ (1A) A reference in this regulation to a *type of controlled waste* includes a reference to a mixture of different types of controlled waste if —

(a) that mixture of different types of controlled waste is permitted under the authority of the relevant carrier's licence; and

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(b) all the controlled waste in that mixture is to be unloaded at the same waste facility.

(1B) A controlled waste tracking form for the transportation ~~of a type of controlled waste~~ on a road of a type of controlled waste that is to be unloaded at a transit facility is valid — for the approved period.

(1) Subject to subregulation (1B), a controlled waste tracking form for the transportation of a type of controlled waste on a road is valid —

- (a) in the case of a bulk controlled waste, for a period of 7 days beginning on the consignment day; or
- (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 ~~on the day on which~~ when any part of the controlled waste loaded onto the vehicle or tank is unloaded at a ~~disposal site~~ waste facility or under regulation 39(1)(a),

whichever is the shorter period.

(2) In subregulation (1) —

consignment day means the day on which ~~the first consignment~~ any part of the type of controlled waste specified in the controlled waste tracking form is first loaded onto the vehicle or tank specified in the controlled waste tracking form.

(3A) A controlled waste tracking form for the transportation of a type of controlled waste on a road is valid only in respect of —

(a) the single vehicle or single tank; and

(b) the single waste facility,

specified in the controlled waste tracking form.

(3B) For the purposes of subregulation (3A)(a) —

(a) if a vehicle has 2 or more trailers that contain a controlled waste, each trailer is taken to be a single vehicle; and

(b) if a vehicle has 2 or more tanks that contain a controlled waste, each tank is taken to be a single tank.

- (3) Subject to ~~subregulation~~subregulations (1) and (3A), a controlled waste tracking form for the transportation of a type of controlled waste on a road is valid for more than one ~~consignment~~collection of the type of controlled waste specified in the controlled waste tracking form whether collected from the same or different waste ~~generators or waste~~ holders.

[Regulation 36 amended in Gazette 1 Aug 2014 p. 2804-6.]

37. Controlled waste tracking number fee

- (1) A person must pay the Department the fee prescribed in Schedule 3 for a controlled waste tracking number issued by the CEO to that person.
- (2) If a fee payable under subregulation (1) is not paid within the time specified by the CEO —
- (a) the amount of the fee may be recovered by the CEO in a court of competent jurisdiction as a debt due to the State; and
 - (b) the CEO may refuse to issue a controlled waste tracking number to a person until all fees payable under that subregulation by that person have been paid to the CEO.

38. ~~Information~~CEO to be provided about controlled waste

- ~~(1) A waste holder who does not provide a carrier transporting a controlled waste for the waste holder with the information relating to that waste set out in Schedule 2 Division 1 commits an offence.~~
- ~~(2) A waste generator who does not provide a carrier transporting a controlled waste for the waste generator with the information~~

~~relating to that waste set out in Schedule 2 Division 2 commits an offence.~~

~~(3) A carrier who does not ensure that each consignment of a controlled waste transported on or in a vehicle or tank of the carrier is accompanied by a controlled waste tracking form containing the information set out in Schedule 2 Division 3 commits an offence.~~ has unique number

~~(4) A driver who transports on a road a consignment of a controlled waste without a controlled waste tracking form for the transportation of that waste containing the information set out in Schedule 2 Division 3 commits an offence.~~

~~(5)~~ The CEO is to cause each controlled waste tracking form issued by the Department to have a unique number recorded on the form.

[Regulation 38 inserted in Gazette 1 Aug 2014 p. 2807.]

Division 5 — Disposal of/Unloading controlled waste

[Heading inserted in Gazette 1 Aug 2014 p. 2807.]

39. Obligations as to ~~disposal of a~~unloading controlled waste

(1) ~~Unless~~ A driver must not unload a controlled waste from a vehicle or tank except at a waste facility that may lawfully receive that type of controlled waste unless the waste is —

(a) unloaded ~~with the approval or at the direction of~~ as approved or directed by the CEO; under subregulation (5); or

(b) unloaded so that it can be transferred directly to another vehicle or tank ~~in accordance with the licence of the carrier for the transportation of the type of controlled waste concerned;~~

~~a driver must not unload the controlled waste from his or her vehicle or tank at a place other than the disposal site~~

~~specified in the controlled waste tracking form for the transportation of that waste.~~

- (2) Unless otherwise approved or directed by the CEO, a driver must not unload a controlled waste at a ~~disposal site~~ waste facility —
- (a) if the controlled waste tracking form for the transportation of that controlled waste has ceased to be valid under regulation 36; and
 - (b) in the case of a vehicle or tank that is used to bring a controlled waste from another State or a Territory, later than 7 days after the day on which the vehicle or tank entered this State.
- (3) Unless otherwise approved or directed by the CEO, a driver who has collected a controlled waste in this State and who is taking the waste to another State or a Territory must remove the waste from this State not later than 7 days after —
- (a) the day on which the waste was collected in this State; or
 - (b) if the controlled waste is loaded onto a vehicle or tank other than on a road, the day on which the vehicle or tank enters a road,
- whichever is the later.
- (4) A carrier must ensure that any controlled waste collected in a vehicle or tank of the carrier is unloaded in accordance with subregulations (1) and (2).
- (5) The CEO may approve or direct the ~~disposal~~unloading of a controlled waste —
- (a) at a site specified waste facility other than the ~~disposal site~~waste facility specified in the controlled waste tracking form for the transportation of that waste; and
 - (b) at a ~~time~~ specified ~~in the approval or direction~~time.

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~~—(6)— A failure to comply with the requirements of subregulation (1), (2) or (4) is a prescribed alteration of the environment for the purposes of paragraph (c) of the definition of “pollution” in section 3A(1) of the Act.~~

~~[(6) deleted]~~

- (7) A ~~driver~~person who contravenes subregulation (1), (2), (3) or (4) commits an offence.
- (8) ~~It is a defence in~~In proceedings against a carrier ~~under Part V of the Act (by the application for a breach~~ of subregulation ~~(6))~~4), it is a defence for the carrier to prove that —
- (a) the carrier issued proper instructions and took reasonable precautions to ensure that the driver complied with subregulations (1) and (2); and
 - (b) the ~~offence was committed by the~~ driver failed to comply with either or both of those subregulations, as the case may be, without the carrier’s knowledge; and
 - (c) the carrier could not by the exercise of reasonable diligence have prevented the commission of the offence.

[Regulation 39 amended in Gazette 1 Aug 2014 p. 2807-9.]

40. Procedure on unloading a controlled waste

- (1) Before unloading a controlled waste at a ~~disposal site~~waste facility, the driver of the vehicle on which the waste is carried to the ~~site~~facility must —
- (a) if the driver is a licensed driver, present the driver’s identification card issued under regulation 19 to the ~~attendant in charge of or the~~ occupier of the ~~disposal site~~waste facility; and
 - (b) give the controlled waste tracking ~~number~~form for the waste to be unloaded at the ~~disposal site~~waste facility to the ~~attendant in charge of or the~~ occupier of the ~~disposal site~~waste facility.

(2A) If the occupier of a waste facility is not present when the driver proposes to unload a controlled waste at the waste facility, subregulation (1) is complied with if the carrier or the driver gives to the occupier within 7 days after the controlled waste is unloaded at the waste facility —

(a) a copy of the controlled waste tracking form; or

(b) the controlled waste tracking number and the information set out in Schedule 2 Division 3 that the controlled waste tracking form contains.

(2) A driver who contravenes subregulation (1) commits an offence.

[Regulation 40 amended in Gazette 1 Aug 2014 p. 2809-10.]

41A. Carrier to provide CEO with copy of controlled waste tracking form

(1) Within 14 days after a controlled waste is unloaded from a vehicle or tank at a waste facility, the carrier must give to the CEO —

(a) a copy of the controlled waste tracking form for the transportation of the controlled waste; or

(b) the controlled waste tracking number and the information set out in Schedule 2 Division 3 that the controlled waste tracking form contains.

(2) Subregulation (1) does not apply to the unloading of a controlled waste at a transit facility unless a separate controlled waste tracking form has been issued for the transportation of the controlled waste from the transit facility.

(3) A carrier who contravenes subregulation (1) commits an offence.

[Regulation 41A inserted in Gazette 1 Aug 2014 p. 2810.]

41. Obligations of ~~the occupier of a disposal site~~ waste facility

(1) The occupier of a ~~disposal site~~ waste facility who receives a controlled waste from a driver must record the information relating to that waste set out in Schedule 2 Division 4 on the controlled waste tracking form for the transportation of that waste immediately after that waste is unloaded at the ~~site~~ waste facility.

~~(2)~~ (2) If the occupier of a waste facility is not present when the controlled waste is unloaded at the waste facility, the occupier complies with subregulation (1) if the occupier records the information referred to in that subregulation within 7 days after the carrier or the driver complies with regulation 40(2A).

(3) A copy of a controlled waste tracking form completed under subregulation (1), or the controlled waste tracking number and the information set out in Schedule 2 Division 4 that the controlled waste tracking form contains, must be kept by the occupier of the ~~disposal site~~ waste facility for at least 3 years from the day on which the waste ~~was delivered to~~ is unloaded at the ~~site~~ waste facility.

~~(3) The occupier of a disposal site who receives a controlled waste must obtain the controlled waste tracking number for the waste from the driver who delivered the waste to the site.~~

(4) The occupier of a ~~disposal site~~ waste facility who receives a controlled waste from a carrier must give to the driver or send to the carrier a receipt for the waste bearing the controlled waste tracking number for the transportation of the waste ~~delivered to~~ unloaded at the ~~site~~ waste facility.

(5) An occupier of a ~~disposal site~~ waste facility who issues a receipt under subregulation (4) must sign the receipt or cause the receipt to be signed by his or her representative.

(6) The occupier of a ~~disposal site~~ waste facility who receives a controlled waste must send ~~the controlled waste tracking number for any form completed under subregulation (1)~~ to the

CEO within ~~7~~14 days ~~of~~after the day on which the waste was ~~delivered~~ unloaded at the waste facility —

- (a) a copy of the controlled waste tracking form to the site.be kept by the occupier under subregulation (3); or
- (b) if subregulation (2) applies, the information to be recorded and kept by the occupier under that subregulation.

(7A) Subregulations (1), (2) and (6) do not apply to the occupier of a transit facility at which a controlled waste is unloaded unless a separate controlled waste tracking form has been issued for the transportation of the controlled waste from the transit facility.

- (7) An occupier of a ~~disposal site~~ waste facility who contravenes subregulation (1), ~~(2), (3)~~, (4), (5) or (6) commits an offence.

[Regulation 41 amended in Gazette 1 Aug 2014 p. 2811-13.]

Division 6 — Disposal of material containing asbestos

42. ~~Interpretation~~ Terms used

In this Division, unless the contrary intention appears —
asbestos means the asbestiform variety of mineral silicates belonging to the serpentine or amphibole groups of rock-forming minerals and includes actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite, and any mixture containing 2 or more of those;

~~*disposal site* means a facility or depot referred to in paragraph (a) or (c) of the definition of “disposal site” in regulation 2;~~

material containing asbestos means material —

- (a) which contains 0.001% or more of asbestos fibres weight/weight;
- (b) in which fibrous material is able to be detected by stereoscopic light microscopy at a magnification of not less than 10 times and not greater than 40 times; and

- (c) in which the fibrous material is able to be identified as asbestos by polarised light microscopy at a magnification of not greater than 400 times or by a method approved by the Executive Director, Public Health under the *Health Act 1911*;

[waste facility](#) means a waste facility of the kind referred to in paragraph (a) or (b) of the definition of [waste facility](#) in regulation 2.

[\[Regulation 42 amended in Gazette 1 Aug 2014 p. 2813.\]](#)

43. Disposal of material containing asbestos

A person who disposes of material containing asbestos otherwise than at a ~~disposal site~~[waste facility](#) commits an offence unless —

- (a) the material is disposed of at a place approved by the CEO under regulation 46(a); and
- (b) the material is disposed of in accordance with any directions given by the CEO under regulation 46(b).

[\[Regulation 43 amended in Gazette 1 Aug 2014 p. 2813.\]](#)

44. Asbestos for disposal to be separated, wrapped and labelled

A person who takes material containing asbestos to a ~~disposal site~~[waste facility](#) or to a place approved by the CEO under regulation 46(a) which is not —

- (a) separated from other material for disposal where that is reasonably practicable;
- (b) wrapped or otherwise contained in a manner that prevents asbestos fibres entering the atmosphere during transportation on a road; and
- (c) labelled or marked with the words “CAUTION ASBESTOS” in letters not less than 50 mm high,

commits an offence.

[Regulation 44 amended in Gazette 1 Aug 2014 p. 2814.]

45. Duty to notify others of presence of asbestos

A person who —

- (a) takes material containing asbestos to a ~~disposal site~~[waste facility](#) or to a place approved by the CEO under regulation 46(a); and
- (b) does not inform the person who operates or controls the ~~site~~[waste facility](#) or place that the material is or contains asbestos,

commits an offence.

[Regulation 45 amended in Gazette 1 Aug 2014 p. 2814.]

46. CEO may approve place and manner of disposal in special cases

If satisfied that the circumstances of a particular case warrant the disposal of material containing asbestos at a place other than a ~~disposal site~~[waste facility](#), the CEO may, in writing —

- (a) approve a place other than a ~~disposal site~~[waste facility](#) for the disposal of the material containing asbestos; and
- (b) give directions as to the manner in which the material containing asbestos is disposed of at a place approved under paragraph (a).

[Regulation 46 amended in Gazette 1 Aug 2014 p. 2814.]

47. Method of disposal

A person who operates a place approved under regulation 46(a) as a place for the disposal of material containing asbestos who does not dispose of material containing asbestos in accordance with any directions given under regulation 46(b) commits an offence.

Part 4 — Miscellaneous

48. Responsibility of carrier

- (1) If a driver commits an offence against these regulations, the carrier by whom the driver is employed or engaged is taken to have committed the same offence.
- (2) It is a defence in proceedings against a carrier for an offence against these regulations (by the application of subregulation (1)) for the carrier to prove that —
 - (a) the carrier issued proper instructions and took reasonable precautions to ensure compliance with these regulations;
 - (b) the offence was committed by the driver without the carrier's knowledge; and
 - (c) the carrier could not by the exercise of reasonable diligence have prevented the commission of the offence.
- (3) A carrier may be charged and convicted of an offence against these regulations under subregulation (1) whether or not the driver who committed the offence has been proceeded against and convicted of the offence.

49. Exemptions

- (1) The CEO may by written notice exempt a person from compliance with any of the regulations in Parts 2 and 3 if the CEO is satisfied that —
 - (a) the circumstances in which the exemption is requested are justifiable and accountable; and
 - (b) the exemption will not adversely affect the operation of these regulations.

[\(2A\) The CEO may give an exemption subject to conditions, or limited to circumstances, specified in the notice.](#)

(2B) Without limiting subregulation (2A), the conditions that may be specified in a notice giving an exemption include these —

- (a) that the person given the exemption must transport the relevant controlled waste to a specified place within a specified period;
- (b) that the person given the exemption must transport the relevant controlled waste in accordance with specified requirements;
- (c) that the person given the exemption must keep specified records relating to the amount, containment type and location of the relevant controlled waste;
- (d) that the person given the exemption must provide a written report to the CEO relating to the transportation and unloading of the relevant controlled waste when required to do so by the CEO.

(2C) In subregulation (2B) —

containment type, of a controlled waste, refers to the controlled waste being either bulk controlled waste or packaged controlled waste;

relevant controlled waste means the controlled waste to which an exemption given under subregulation (1) relates;

specified means specified in a notice giving an exemption under subregulation (1).

(2D) If the CEO gives an exemption, the CEO must specify in the notice the period for which the exemption applies.

(2E) If a condition subject to which an exemption is given is breached, the exemption ceases to have effect.

- (2) The CEO may by further written notice revoke or vary an exemption given under subregulation (1).

[Regulation 49 amended in Gazette 1 Aug 2014 p. 2815-16.]

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50A. Application for exemption

(1) A person may apply to the CEO in the approved form for an exemption under regulation 49.

(2) Before determining the application, the CEO may require the applicant to provide any further information the CEO requires in any particular case.

[Regulation 50A inserted in Gazette 1 Aug 2014 p. 2816.]

50. Inspection of licences, etc.

A person required to hold a licence or have a controlled waste tracking form or number under these regulations who, when required to do so by an inspector —

- (a) fails to produce for inspection the licence; or
- (b) fails to give the controlled waste tracking form or number to the inspector,

commits an offence.

51. Meeting

- (1) The CEO may by written notice require a person who is the holder of a licence under these regulations to attend at a meeting with the CEO at a time and place specified in the notice.
- (2) A person who fails to comply with a requirement under subregulation (1) commits an offence.

52. Appeals

- (1) A person who is aggrieved by a decision of the CEO under regulation 5(2), 6(1), 6(2), 10(1), 12 or 18 may within 21 days after the day on which the person is notified of the decision, or within 21 days after the day on which an application under regulation 4 is taken to have been refused (by the application of regulation 5(3)), lodge with the Minister an appeal in writing setting out the grounds of the appeal.

(2A) The reference in subregulation (1) to regulations 5(2), 6(1), 6(2) and 12 includes a reference to those provisions as applied by regulation 25C(5).

- (2) An appeal lodged under subregulation (1) is to be treated as if it were an appeal under section 102 of the Act, and for that purpose sections 102 and 106 to 110 of the Act apply as if the appeal were an appeal under section 102.

[Regulation 52 amended in Gazette 1 Aug 2014 p. 2816.]

53. Penalty

A person who commits an offence against these regulations is liable to a penalty of \$5 000.

54. Fees

The fees in Schedule 3 are the prescribed fees payable in respect of the matters specified in that Schedule.

[Regulation 54 inserted in Gazette 13 Apr 2007 p. 1669.]

~~**55. Environmental Protection (Controlled Waste) Regulations 2001 repealed**~~

~~The Environmental Protection (Controlled Waste) Regulations 2001 are repealed.~~

~~**56. Transitional and savings**~~

~~(1) In this regulation—~~

~~*commencement day* means the day on which the Environmental Protection (Controlled Waste) Regulations 2004 come into operation;~~

~~*the regulations* means the Environmental Protection (Controlled Waste) Regulations 2001.~~

~~(2) A licence as a carrier issued under the regulations and in force immediately before the commencement day, on and after the commencement day, has effect as if the licence were a licence~~

~~as a carrier issued under the *Environmental Protection (Controlled Waste) Regulations 2004* and is to be taken to expire on 30 June 2004.~~

- ~~— (3) — A licence as an operator issued under the regulations and in force immediately before the commencement day, on and after the commencement day, has effect as if the licence were a licence as a driver issued under the *Environmental Protection (Controlled Waste) Regulations 2004* and is to be taken to expire on 30 June 2004.~~
- ~~— (4) — A licence of a vehicle issued under the regulations and in force immediately before the commencement day, on and after the commencement day, has effect as if the licence were a licence for the vehicle issued under the *Environmental Protection (Controlled Waste) Regulations 2004* and is to be taken to expire on 30 June 2004.~~
- ~~— (5) — An operator identification card issued to an operator before the commencement day is to be taken, on and after the commencement day, to be a driver identification card issued under the *Environmental Protection (Controlled Waste) Regulations 2004*.~~

~~57. — *Environmental Protection Regulations 1987* amended~~

- ~~— (1) — The amendments in this regulation are to the *Environmental Protection Regulations 1987*.~~
- ~~— (2) — Schedule 6 is amended as follows:~~
 - ~~— (a) — by deleting the entry relating to the *Environmental Protection (Liquid Waste) Regulations 1996*;~~
 - ~~— (b) — by deleting the entry relating to the *Environmental Protection (Controlled Waste) Regulations 2001*;~~
 - ~~— (c) — by inserting the following at the end of the Schedule~~

“

*Environmental Protection
(Controlled Waste)
Regulations 2004*

1. regulation 6(4)	250	500
2. regulation 11(1)	250	500
3. regulation 13(2)	250	500
4. regulation 14	250	500
5. regulation 15(1)	250	500
6. regulation 15(2)	250	500
7. regulation 17	250	500
8. regulation 19(2)	250	500
9. regulation 21	250	500
10. regulation 22(5)	250	500
11. regulation 25(1)	250	500
12. regulation 25(2)	250	500
13. regulation 25(3)	250	500
14. regulation 25(4)	250	500
15. regulation 25(6)	250	500
16. regulation 26(2)	250	500
17. regulation 27(3)	250	500
18. regulation 28(1)	250	500
19. regulation 29(1)	250	500
20. regulation 30(1)	250	500
21. regulation 31(1)	250	500
22. regulation 32(1)	250	500
23. regulation 33	250	500
24. regulation 34	250	500
25. regulation 35(1)	250	500
26. regulation 35(2)	250	500
27. regulation 38(1)	250	500

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28. regulation 38(2)	250	500
29. regulation 38(3)	250	500
30. regulation 38(4)	250	500
31. regulation 39(7)	250	500
32. regulation 40(2)	250	500
33. regulation 41(7)	250	500
34. regulation 43	250	500
35. regulation 44	250	500
36. regulation 45	250	500
38. regulation 47	250	500
39. regulation 50	250	500
40. regulation 51(2)	250	500

”

[\[55-57. Deleted in Gazette 1 Aug 2014 p. 2816.\]](#)

Schedule 1 — Controlled waste

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Controlled waste

Acidic solutions or acids in solid form
Animal effluent or residues (including abattoir effluent, poultry, and fish processing waste)
Antimony; antimony compounds
Arsenic; arsenic compounds
Asbestos
Barium compounds other than barium sulphate
Basic solutions or bases in solid form
Beryllium; beryllium compounds
Boron compounds
Cadmium; cadmium compounds
Ceramic based fibres with physio-chemical characteristics similar to those of asbestos
Chlorates
Clinical waste
Cobalt or cobalt compounds
Containers or drums that are contaminated with residues of a controlled waste
Copper compounds
Chromium compounds (hexavalent or trivalent)
Cyanides (inorganic)
Cyanides (organic) [and nitriles](#)
Encapsulated, chemically-fixed, solidified, or ~~polymerized~~[polymerised controlled](#) wastes
Ethers

Filter cake [containing controlled wastes](#)

Fire debris or fire washwaters

~~Fly ash~~

[Fly ash other than fly ash generated from Australian coal fired power stations](#)

Halogenated organic solvents

Highly odorous organic chemicals (including mercaptans and acrylates)

Inorganic fluorine compounds excluding calcium fluoride

Inorganic sulphides

Isocyanate compounds

Lead; lead compounds

Mercury; mercury compounds

Metal carbonyls

~~Mineral oil emulsions~~

Nickel compounds

Non toxic salts

Organic phosphorus compounds

Organic solvents excluding halogenated solvents

Organochlorine pesticides (OCPs)

Organohalogen compounds other than substances referred to elsewhere in this Schedule

[Oxidising agents](#)

Perchlorates

Phenols; phenol compounds including chlorophenols

Phosphorus compounds other than mineral phosphates

~~Polychlorinated~~ [Polychlorinated](#) Biphenyls (PCBs)

Polychlorinated dibenzo-furan (any congener)

Polychlorinated dibenzo-p-dioxin (any congener)

Reactive chemicals

Reducing agents

Residues from industrial waste treatment or disposal operations

Selenium; selenium compounds

Sewage

Soils contaminated with a controlled waste

Surface active agents (surfactants), containing mainly organic constituents and which may contain metals and inorganic materials

Tannery wastes (including leather dust, ash, sludge, or flours)

Tellurium; tellurium compounds

Thallium; thallium compounds

Triethylamine catalysts for setting foundry sands

Tyres

Vanadium compounds

Vegetable and food processing waste

Waste chemical substances arising from research and development or teaching activities which substances are not identified or are new or the effects of which on human health or the environment are not known

Waste containing peroxides other than hydrogen peroxide

Waste from grease traps

Waste from heat treatment or tempering operations containing cyanides

Waste from the manufacture, formulation, or use of wood-preserving chemicals

Waste from the production, formulation, or use of biocides and phytopharmaceuticals

Waste from the production, formulation, or use of inks, dyes, pigments, paints, lacquers, or varnish

Waste from the production, formulation, or use of organic solvents

Waste from the production, formulation, or use of photographic chemicals or processing material

Waste from the production, formulation, or use of resins, latex, plasticisers, glues, or adhesives

Waste from the production or preparation of pharmaceutical products

Waste mineral oils unfit for their intended use

[Waste oil and water, or hydrocarbons and water, mixtures or emulsions](#)

Waste pharmaceuticals drugs or medicines

Waste resulting from surface treatments of metals or plastics

Waste tarry residues arising from refining, distillation, or pyrolytic treatment

Waste, substances, or articles containing or contaminated by polychlorinated biphenyls (PCBs), polychlorinated naphthalenes (PCNs), polychlorinated terphenyls (PCTs), or polybrominated biphenyls (PBBs)

Wastes of an explosive nature not subject to any other written law

Wool scouring wastes

Zinc compounds

[\[Schedule 1 amended in Gazette 1 Aug 2014 p. 2817-18.\]](#)

Schedule 2 — Transport information

~~[r. 38]~~

[r. 25, 28, 29, 32, 35, 40, 41A, 41]

[Heading inserted in Gazette 1 Aug 2014 p. 2818.]

Division 1 — Information to be provided by driver to waste holder

[Heading inserted in Gazette 1 Aug 2014 p. 2818.]

Controlled waste tracking number for transportation of the controlled waste

Type of controlled waste

~~Amount of controlled waste~~ loaded onto or into vehicle or tank

~~Containment type (bulk, packaged)~~

Date controlled waste is loaded onto or into vehicle or tank

[Division 1 inserted in Gazette 1 Aug 2014 p. 2818.]

Division 2 — Information to be provided by waste ~~generator~~holder

[Heading inserted in Gazette 1 Aug 2014 p. 2818.]

Type of controlled waste

~~Amount of controlled waste~~

~~Containment type (bulk, or packaged)~~

Physical state of controlled waste (solid, liquid or gaseous)

[Division 2 inserted in Gazette 1 Aug 2014 p. 2818.]

Division 3 — Information to be recorded on controlled waste tracking form

[Heading inserted in Gazette 1 Aug 2014 p. 2819.]

Waste ~~generator's~~holder's name or identification number

~~Waste generator's~~holder's address

~~Name and address of waste facility~~

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Schedule 2 Transport information

Division 4 Information to be recorded by the occupier of

Type of controlled waste

_____ Date loaded onto or into vehicle or tank

_____ Amount of controlled waste

_____ Type and amount of controlled waste unloaded at waste facility without occupier being present, and date of unloading

Type and amount of controlled waste loaded onto or into, or unloaded from, vehicle or tank at transit facility, and date of loading or unloading

Containment type (bulk or packaged)

Physical state of controlled waste (solid, liquid or gaseous)

Driver's name

_____ Driver's licence number (if licence required under these regulations)

_____ Vehicle registration number

_____ Tank licence number (if licence required under these regulations)

_____ Carrier's name

_____ Carrier's licence number

_____ Vehicle or tank capacity

_____ [Division 3 inserted in Gazette 1 Aug 2014 p. 2819.]

Division 4 — Information to be recorded by the occupier of ~~disposal-site~~ waste facility

_____ [Heading inserted in Gazette 1 Aug 2014 p. 2819.]

Name and address of waste facility

Date of receipt at waste facility

_____ Type of controlled waste

Amount of controlled waste

_____ Type of disposal, treatment or handling of controlled waste at waste facility

Discrepancies

[\[Division 4 inserted in Gazette 1 Aug 2014 p. 2819-20.\]](#)

Schedule 3 — Fees

[r. 54]

[Heading inserted in Gazette ~~13 Apr 2007~~ 1 Aug 2014 p. ~~1670~~2820.]

Item	Type of fee	Fee \$
1.	Licence as a carrier (r. 4(1), 11(1))	225.00 <u>one year</u> <u>555.00 3 years</u> <u>885.00 5 years</u>
2.	Licence as a driver (r. 4(1), 17 , 20(1))	225.00 <u>one year</u> <u>345.00 3 years</u> <u>465.00 5 years</u>
3.	Licence for a vehicle or tank (r. 4(1), 21)	225.00 <u>one year</u> <u>345.00 3 years</u> <u>465.00 5 years</u>
4.	Renewal of licence as a carrier (r. 9(1))	165.00 <u>one year</u> <u>495.00 3 years</u> <u>825.00 5 years</u>
5.	Renewal of licence as a driver (r. 9(1))	60.00 <u>60.00</u> <u>one year</u> <u>180.00 3 years</u> <u>300.00 5 years</u>
6.	Renewal of licence for a vehicle or tank (r. 9 (1))	60.00 <u>60.00</u> <u>one year</u> <u>180.00 3 years</u> <u>300.00 5 years</u>
7.	Application for a condition of a licence to be changed or removed (r. 6 (5))	105.00
<u>8.</u>	<u>Application for transfer of licence</u> (r. <u>25C(2)</u>)	<u>105.00</u>

Item	Type of fee	Fee \$
<u>89.</u>	Controlled waste tracking number (r. 37(1)) —	
	(a) issued electronically on or after 16 April 2007 <u>2014</u> and on or before 15 April 2008 <u>2015</u>	29.00 <u>39.50</u>
	(b) issued other than electronically on or after 16 April 2007 <u>2014</u> and on or before 15 April 2008 <u>2015</u>	34 <u>51.50</u>
	(c) issued electronically on or after 16 April 2008 <u>2015</u> and on or before 15 April 2009 <u>2016</u>	30.50 <u>41.00</u>
	(d) issued other than electronically on or after 16 April 2008 <u>2015</u> and on or before 15 April 2009 <u>2016</u>	36.00 <u>53.50</u>
	(e) issued electronically on or after 16 April 2009 <u>2016</u> and on or before 15 April 2010 <u>2017</u>	32.00 <u>42.50</u>
	(f) issued other than electronically on or after 16 April 2009 <u>2016</u> and on or before 15 April 2010 <u>2017</u>	37 <u>55.50</u>
	(g) issued electronically on or after 16 April 2010 and on or before 15 April 2011 <u>2017</u>	33.50 <u>44.00</u>
	(h) issued other than electronically on or after 16 April 2010 and on or before 15 April 2011	39.00
	(i) issued electronically on or after 16 April 2011 and on or before 15 April 2012	35.00
	(j) issued other than electronically on or after 16 April 2011 and on or before 15 April 2012 <u>2017</u>	40 <u>57.50</u>
	(k) issued electronically on or after	

Environmental Protection (Controlled Waste) Regulations 2004**Schedule 3 Fees**

Item	Type of fee	Fee \$
	16 April 2012 and on or before 15 April 2013	36.50
	(l) issued other than electronically on or after 16 April 2012 and on or before 15 April 2013	42.00
	(m) issued electronically on or after 16 April 2013 and on or before 15 April 2014	38.00
	(n) issued other than electronically on or after 16 April 2013 and on or before 15 April 2014	49.50
	(o) issued electronically on or after 16 April 2014 and on or before 15 April 2015	39.50
	(p) issued other than electronically on or after 16 April 2014 and on or before 15 April 2015	51.50
	(q) issued electronically on or after 16 April 2015 and on or before 15 April 2016	41.00
	(r) issued other than electronically on or after 16 April 2015 and on or before 15 April 2016	53.50
	(s) issued electronically on or after 16 April 2016 and on or before 15 April 2017	42.50
	(t) issued other than electronically on or after 16 April 2016 and on or before 15 April 2017	55.50
	(u) issued electronically on or after 16 April 2017	44.00
	(v) issued other than electronically on or after 16 April 2017	57.50

*[Schedule 3 inserted in Gazette ~~13 Apr 2007 p. 1670-1~~; amended in
Gazette ~~5 Apr 2012 p. 1599-600~~ / [Aug 2014 p. 2820-1.](#)]*

Notes

- ¹ This is a compilation of the *Environmental Protection (Controlled Waste) Regulations 2004* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	
<i>Environmental Protection (Controlled Waste) Regulations 2004</i>	1 Jul 2004 p. 2627-73	1 Jul 2004
<i>Environmental Protection (Controlled Waste) Amendment Regulations 2007</i>	13 Apr 2007 p. 1669-71	16 Apr 2007 (see r. 2)
<i>Waste Avoidance Resource Recovery Regulations 2008</i> r. 23	20 Jun 2008 p. 2665-84	1 Jul 2008 (see r. 2(b))
<i>Environmental Protection (Controlled Waste) Amendment Regulations 2012</i>	5 Apr 2012 p. 1599-600	r. 1 and 2: 5 Apr 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 6 Apr 2012 (see r. 2(b))
<i>Environmental Protection (Controlled Waste) Amendment Regulations (No. 2) 2013</i>	14 Nov 2013 p. 5039-40	r. 1 and 2: 14 Nov 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Nov 2013 (see r. 2(b) and <i>Gazette</i> 14 Nov 2013 p. 5027)

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[*Environmental Protection \(Controlled Waste\) Amendment Regulations 2014*](#)

[1 Aug 2014](#)
[p. 2787-821](#)

[r. 1 and 2: 1 Aug 2014](#)
[\(see r. 2\(a\)\);](#)
[Regulations other than r. 1 and 2:](#)
[2 Aug 2014 \(see r. 2\(b\)\)](#)
