Western Australia

Environmental Protection Regulations Amendment (Controlled Waste) Regulations 2026

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Environmental Protection Act 1986

Environmental Protection Regulations Amendment (Controlled Waste) Regulations 2026

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Environmental Protection Regulations Amendment (Controlled Waste) Regulations 2026*.

2. Commencement

These regulations come into operation as follows —

(a) Part 1 — on the day on which these regulations are published on the WA legislation website;

(b) the rest of the regulations — on [date to be confirmed].

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Part 2 — *Environmental Protection (Controlled Waste) Regulations 2004* amended

3. Regulations amended

This Part amends the *Environmental Protection (Controlled Waste) Regulations 2004*.

[The remainder of Part 2 sets out the existing Environmental Protection (Controlled Waste) Regulations 2004, showing the amendments proposed by the Environmental Protection Regulations Amendment (Controlled Waste) Regulations 2026 in track changes.]

Part 1 — Preliminary

1. Citation

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

2. Terms used

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 Chief Health Officer under the *Health (Miscellaneous Provisions) Act 1911*;

approved means approved in writing by the CEO;

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

business day means a day other than a Saturday, a Sunday or a public holiday;

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

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carrier means a WA carrier or an interstate carrier;

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

(a) is poisonous or infectious; or

(b) is likely to cause injury to public health; or

(c) contains human tissue or body parts;

consignment authorisation, in relation to the interstate transport of a controlled waste, means —

(a) if this State is the jurisdiction of destination — a consignment authorisation issued under regulation 25G(1) in relation to the waste that is in effect; or

(b) if another State or a Territory is the jurisdiction of destination — an authorisation, permit or approval (however described) in effect under a corresponding law of the jurisdiction of destination for the transportation of the waste from a place in this State to a place in the jurisdiction of destination;

consignment authorisation number, in relation to a consignment authorisation, means the unique number recorded on the authorisation;

controlled waste means any matter that is —

(a) ~~within the definition of waste in~~waste as defined in the controlled waste NEPM clause 3 ~~for the *Movement of Controlled Waste between States and Territories*~~; and

(b) listed in Schedule 1;

controlled waste NEPM means the NEPM for the *Movement of Controlled Waste between States and Territories* as amended from time to time;

controlled waste NEPM exemption means an exemption given under the controlled waste NEPM clause 9;

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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;

controlled waste tracking number means the unique number recorded on a controlled waste tracking form under regulation 38;

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

interstate carrier means a person authorised to transport controlled waste under an interstate licence;

interstate controlled waste body, in relation to a State or Territory, means an agency or instrumentality of the State or Territory that regulates the transportation or disposal of controlled waste under a corresponding law;

interstate licence —

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

(b) does not include a consignment authorisation for the interstate transport of a controlled waste;

interstate transport, in relation to a controlled waste, means the transportation of the waste —

(a) from a place in this State to a place in another State or a Territory; or

(b) from a place in another State or a Territory to a place in this State;

jurisdiction of destination, in relation to the interstate transport of a controlled waste, means the State or Territory in which the place to which the waste is to be transported is located;

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licence means a licence under Part 2 Division 1 ~~these regulations~~;

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

receiving facility, in relation to a consignment authorisation issued under regulation 25G(1), has the meaning given in regulation 25G(1);

sewage means waste containing faecal matter or urine;

solid means a substance that —

(a) has an angle of repose of greater than 5 degrees; and

(b) does not contain, or is not comprised of, any free liquids; and

(c) does not contain, or is not comprised of, any liquids that are capable of being released when the waste is transported; and

(d) does not become free flowing at or below 60°C 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;

tank identification number, in relation to a tank, means the unique identification number assigned to the tank under regulation 15B(1);

Territory means the Australian Capital Territory or the Northern Territory;

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;

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WA carrier means a person licensed under Part 2 Division 1;

waste facility means —

(a) prescribed premises in respect of which a licence has been issued under Part V of the Act to store, treat, reuse or dispose of a controlled waste; or

(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: Gazette 20 Jun 2008 p. 2684; 14 Nov 2013 p. 5039-40; 1 Aug 2014 p. 2787-90; 10 Jan 2017 p. 194.]

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3. Application of regulations

[(1), (2) deleted]

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

(4) Subject to ~~subregulations (5) and (6),~~subregulations (6) and (7), these regulations apply to a controlled waste that is produced by or as the result of —

(a) an industrial or commercial activity; or

(b) a medical, nursing, dental, veterinary, pharmaceutical or other related activity; or

(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 may be lawfully accepted 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). ~~time) other than —~~

~~(i) asbestos; or~~

~~(ii) clinical or related waste; or~~

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~~(iii) tyres; or~~

~~(iv) encapsulated, chemically fixed, solidified or polymerised controlled wastes.~~

(7) Despite subregulation (6)(b) —

(a) these regulations apply to a controlled waste that is —

(i) clinical and related waste; or

(ii) tyres; or

(iii) chemically fixed, encapsulated, polymerised or solidified; or

(iv) mixed, blended or otherwise combined with a waste or other material;

and

(b) Part 3 Division 6 applies to a controlled waste that is asbestos.

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

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Part 2 — CarriersLicensing

Division 1 — Licensing of WA carriersGeneral matters

4. Application for licence

(1) An application for a licence must 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 mustis 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

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(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 an interstate licence or a renewal of an interstate licence or the applicant's interstate licence 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; or

(h) the CEO is satisfied that the applicant is not competent to operate as a WA carrier.

(3) If the CEO has not determined an application made under regulation 4 by the end of the period of 30 business 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~~the CEO is taken to have made a decision to refuse the application on the last day of that period.

(4) A licence granted under subregulation (1) must specify —

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(a) the types of controlled waste authorised to be transported under the licence; and

(b) the mixtures (if any) of different types of controlled waste permitted under the licence.

[Regulation 5 amended: 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; or~~and~~

(b) add to, change or remove conditions already imposed; or~~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 must ~~is to~~ give written notice of the decision to the holder of the licence; and

(b) the decision does not take effect until the end of the period of 7 days after the day on which the notice is given, or any ~~such~~ later time ~~as is~~ set out in the notice.

(4) A person who holds a licence must not contravene ~~and who contravenes~~ a condition to which that licence is subject ~~commits an offence~~.

Penalty for this subregulation: a fine of $5 000.

(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 —

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(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 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: Gazette 1 Aug 2014 p. 2791.]

8. Validity of licence

Subject to these regulations, a licence under these regulations is valid for 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: Gazette 1 Aug 2014 p. 2791.]

9. Renewal of licence

(1) The holder of a licence may apply to renew the licence.

(1A) An application for renewal of a licence must be —

(a) made before the licence expires; and

(b) made in the approved manner and approved form; and

(c) accompanied by the appropriate fee prescribed in Schedule 3.

(1B) Subject to regulation 10, the CEO must grant an application made under subregulation (1).

~~(1) Upon application —~~

~~(a) made before a licence expires; and~~

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~~(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 under subregulation (1) 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: 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 has been cancelled, revoked, withdrawn or suspended or a renewal of that licence has been refused; or

(e) the CEO is satisfied that the holder is not competent to operate as a WA carrier.

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(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 WA 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 WA 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: Gazette 1 Aug 2014 p. 2792-3.]

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Division 2 — Carriers generally

11. Transport of controlled waste without licence~~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.~~

(1) A person must not transport or cause to be transported for gain or reward on a road a controlled waste unless the person is —

(a) a WA carrier; and

(b) authorised to transport the controlled waste under a licence.

Penalty for this subregulation: a fine of $5 000.

(2) Subregulation (1) does not apply to a driver employed ~~or engaged~~ by a WA carrier to transport controlled waste.

~~**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

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transported the ~~that type of~~ controlled waste on a road unless the sub-contractor is — ~~if the sub-contractor is not licensed as a carrier.~~

(a) a WA carrier; and

(b) authorised to transport the controlled waste under a licence.

Penalty: a fine of $5 000.

~~(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 employs or engages a person to drive a vehicle 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: Gazette 1 Aug 2014 p. 2793.]*~~

13A. Interstate carriers

(1) It is a defence to a charge under regulation 11(1) or 13 for the person charged to prove that —

(a) the controlled waste was being transported —

(i) from a place in this State to a place in another State or a Territory; or

(ii) from a place in another State or a Territory to a place in this State;

and

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(b) the person was authorised to transport or cause to be transported the controlled waste under an interstate licence.

15. Notification of employment of ~~licensed~~ drivers

(1) A WA carrier must, within 14 days after the day on which the WA carrier is granted a licence under regulation 5(1), notify the CEO of the name of each driver employed by the WA carrier to transport controlled waste.

Penalty for this subregulation: a fine of $5 000.

(2) A WA carrier must, within 14 days after the day on which the WA carrier employs or ceases to employ a driver to transport controlled waste, notify the CEO of the name of the driver.

Penalty for this subregulation: a fine of $5 000.

(3) A notice under subregulation (1) or (2) must be given in the approved manner and approved form.

~~(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.~~

15A. Notification of vehicles and tanks

(1) In this regulation —

new vehicle or tank, in relation to a WA carrier, means a vehicle or tank in relation to which the WA carrier has not provided notice to the CEO under subregulation (2).

(2) A WA carrier must, within 14 days after the day on which the WA carrier becomes licensed under regulation 5(1), notify the

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CEO of the details of each vehicle and tank that the WA carrier proposes to use for the transport of controlled waste.

Penalty for this subregulation: a fine of $5 000.

(3) A WA carrier must, within 14 days after the day on which the WA carrier first uses a new vehicle or tank to transport controlled waste, notify the CEO of the details of the vehicle or tank.

Penalty for this subregulation: a fine of $5 000.

(4) Subregulation (5) applies if a WA carrier decides that a vehicle or tank in relation to which the WA carrier has given notice to the CEO under subregulation (2) or (3) will no longer be used by the WA carrier to transport controlled waste.

(5) The WA carrier must, within 21 days after the day on which the WA carrier makes a decision referred to in subregulation (4) about a vehicle or tank, notify the CEO of the details of the vehicle or tank.

Penalty for this subregulation: a fine of $5 000.

(6) A notice under subregulation (2), (3) or (5) must be given in the approved manner and approved form.

15B. CEO may assign unique identification number to tank

(1) The CEO may cause a tank used or proposed to be used by a WA carrier to transport controlled waste to be assigned a unique identification number for the purposes of these regulations.

(2) If the CEO assigns an identification number to a tank under subregulation (1), the CEO must give the WA carrier written notice of the identification number.

~~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~~

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who transports or causes to be transported from another State or a Territory to this State for gain or reward on a road 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 controlled waste.

Table

r. 11(1)	r. 21
r. 13	r. 22

[Regulation 16 amended: 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 to transport a bulk controlled waste on a road; and

(b) who is not licensed as a driver,

commits an offence.

[Regulation 17 amended: 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

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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: 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 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; and

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(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 Safety (Road and Rail Transport of Non-explosives) Regulations 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.

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[Regulation 21 amended: 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

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~~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 WA carrier's business and transfer of licence

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

25A. Terms used

In this Division —

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

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

assignment time means when a business ~~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: Gazette 1 Aug 2014 p. 2795.]

25B. Assignment of WA carrier's business

~~(1)~~ Within 30 days after the day on which a WA carrier assigns to another person the business in respect of which the WA carrier's licence is held ~~person —~~

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

~~(b) a licensed vehicle or licensed tank,~~

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

Penalty: a fine of $5 000.

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

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

25C. Transfer of licence

(1) This regulation applies if —

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

(b) the assignee proposes to carry on the business ~~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 —

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(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~~5 to 7 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: 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: 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: Gazette 1 Aug 2014 p. 2797.]

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Part 2A — Interstate transport of controlled waste

Division 1 — Consignment authorisations for interstate transport to this State

25F. Application for consignment authorisation

(1) A waste holder may apply to the CEO for a consignment authorisation for the transportation of a controlled waste from a place in another State or a Territory to a waste facility in this State.

(2) An application under subregulation (1) may be made on a waste holder's behalf by a person authorised to do so —

(a) in writing by the waste holder; or

(b) under a corresponding law.

(3) An application under subregulation (1) must be made in the approved manner and approved form.

25G. Consignment authorisation may be issued

(1) On an application under regulation 25F(1), the CEO may issue to the waste holder a consignment authorisation for the transportation of a controlled waste from a place in another State or a Territory (the ***jurisdiction of origin***) to a waste facility (the ***receiving facility***) in this State.

(2) The CEO may, before determining the application, require the waste holder to provide the CEO with such further information relating to the application as the CEO requires.

(3) Before determining the application, the CEO must consult with any interstate controlled waste body of the jurisdiction of origin.

(4) In determining the application the CEO must take into account the matters referred to in the controlled waste NEPM clause 13(e).

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(5) The CEO must —

(a) if the CEO issues a consignment authorisation — give written notice of the issue to —

(i) the waste holder; and

(ii) any person (a ***relevant person***) who applied for the consignment authorisation on the waste holder's behalf under regulation 25F(2); and

(iii) the occupier of the receiving facility;

or

(b) if the CEO refuses to issue a consignment authorisation — give written notice of the refusal and the reasons for the refusal to the waste holder and any relevant person.

(6) Subject to regulation 25J(2)(b), a consignment authorisation issued under subregulation (1) has effect for the period, not exceeding 12 months, specified in the consignment authorisation.

25H. Effect of controlled waste NEPM exemption

(1) Regulation 25G(3) does not apply in relation to an application under regulation 25F(1) if, under a controlled waste NEPM exemption, the controlled waste or the transportation of the controlled waste the subject of the application is exempt from the controlled waste NEPM clause 13(d).

(2) Regulation 25G(4) does not apply in relation to an application under regulation 25F(1) if, under a controlled waste NEPM exemption, the controlled waste or the transportation of the controlled waste the subject of the application is exempt from the controlled waste NEPM clause 13(e).

(3) Despite regulation 25G(5)(b), the CEO is not required to give reasons for refusing to issue a consignment authorisation if,

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under a controlled waste NEPM exemption, the controlled waste or the transportation of the controlled waste the subject of the application under regulation 25F(1) is exempt from the controlled waste NEPM clause 13(g)(v).

25I. Conditions on consignment authorisation

(1) The CEO may issue a consignment authorisation under regulation 25G(1) 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 consignment authorisation that has been issued under regulation 25G(1); or

(b) add to, change or remove conditions already imposed.

(3) A waste holder who is issued a consignment authorisation under regulation 25G(1) must not contravene a condition of the authorisation.

Penalty for this subregulation: a fine of $5 000.

(4) If there is a consignment authorisation issued under regulation 25G(1) for the transportation of a controlled waste, a carrier must not transport or cause to be transported the controlled waste in contravention of a condition of the consignment authorisation.

Penalty for this subregulation: a fine of $5 000.

(5) A waste holder who is issued a consignment authorisation under regulation 25G(1) may apply to the CEO for a condition of the authorisation to be changed or removed.

(6) An application under subregulation (5) must be made in the approved manner and approved form.

(7) If the CEO decides to act under subregulation (2) —

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(a) the CEO must give written notice of the decision to the waste holder to whom the consignment authorisation is issued; and

(b) the decision takes effect at the end of the period of 7 days after the day on which the notice is given to the waste holder under paragraph (a), or at a later time set out in the notice; and

(c) the CEO must give a copy of the notice to —

(i) any person who applied for the consignment authorisation on the waste holder's behalf under regulation 25F(2); and

(ii) the occupier of the receiving facility.

25J. Consignment authorisation may be revoked

(1) The CEO may revoke a consignment authorisation issued under regulation 25G(1).

(2) If the CEO revokes a consignment authorisation under subregulation (1) —

(a) the CEO must give written notice of the revocation to the waste holder to whom the authorisation is issued; and

(b) the authorisation ceases to have effect at the end of the period of 7 days after the day on which the notice is given to the waste holder under paragraph (a), or at a later time set out in the notice; and

(c) the CEO must give a copy of the notice to —

(i) any person who applied for the consignment authorisation on the waste holder's behalf under regulation 25F(2); and

(ii) the occupier of the receiving facility.

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25K. CEO to ensure each consignment authorisation has unique number

The CEO must cause each consignment authorisation issued under regulation 25G(1) to have a unique number recorded on the authorisation.

25L. Transitional provisions regarding consignment authorisations

(1) In this regulation —

commencement day means the day on which the *Environmental Protection Regulations Amendment (Controlled Waste) Regulations 2026* Part 2 comes into operation;

form CW17 means the form titled "Application for a Consignment Authorisation to Transport Controlled Waste into WA" and identified as Form CW17 that was published before commencement day on a website maintained by or on behalf of the Department.

(2) Subregulation (3) applies to a completed form CW17 given by a waste holder to the CEO before commencement day in relation to the transportation of a controlled waste from a place in another State or a Territory to a waste facility in this State if, immediately before commencement day, the CEO had not dealt with the form CW17 by giving or refusing to give the waste holder a notice in writing approving the transportation of the controlled waste from the place in the other State or the Territory to the place in this State.

(3) The completed form CW17 is taken to be an application under regulation 25F(1) by the waste holder for a consignment authorisation for the transportation of the controlled waste from the place in the other State or the Territory to the waste facility in this State.

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(4) Subregulation (5) applies to a notice in writing given by the CEO to a waste holder before commencement day in relation to the transportation of a controlled waste from a place in another State or a Territory to a waste facility in this State if the notice is expressed to be valid for a period (the ***relevant period***) ending on or after commencement day.

(5) The notice in writing is taken to be a consignment authorisation issued under regulation 25G(1) for the transportation of the controlled waste from the place in the other State or the Territory to the waste facility in this State that is —

(a) in effect for the relevant period; and

(b) subject to the conditions (if any) set out in the notice.

Division 2 — Obligations in relation to interstate transport

25M. Waste holder's obligations

(1) A waste holder must not cause or allow a controlled waste in the waste holder's possession or control to be transported on a road in the course of the interstate transport of the controlled waste unless there is a consignment authorisation for that interstate transport of the waste.

Penalty for this subregulation: a fine of $5 000.

(2) A waste holder commits an offence if —

(a) a carrier transports a controlled waste for the waste holder on a road in the course of the interstate transport of the controlled waste; and

(b) the waste holder does not provide to the carrier, before the carrier transports the controlled waste on a road, a copy of a consignment authorisation for that interstate transport of the waste.

Penalty for this subregulation: a fine of $5 000.

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(3) Subregulations (1) and (2) do not apply if, under a controlled waste NEPM exemption, the controlled waste or the transportation of the controlled waste is exempt from the controlled waste NEPM clause 13(c).

(4) If a waste holder provides a copy of a consignment authorisation for the interstate transport of a controlled waste to a carrier under subregulation (2), the waste holder must keep a copy of the consignment authorisation for not less than 3 years from the day on which the waste is loaded onto or into the carrier's vehicle or tank.

Penalty for this subregulation: a fine of $5 000.

25N. Carrier's obligations

(1) A carrier must not transport or cause to be transported a controlled waste on a road in the course of the interstate transport of the controlled waste unless there is a consignment authorisation for that interstate transport of the waste.

Penalty for this subregulation: a fine of $5 000.

(2) A carrier commits an offence if —

(a) a vehicle is being used to transport a controlled waste on a road in the course of the interstate transport of the controlled waste; and

(b) the driver of the vehicle is employed by the carrier to transport the controlled waste; and

(c) the carrier fails to ensure that the driver has a copy of a consignment authorisation for that interstate transport of the waste.

Penalty for this subregulation: a fine of $5 000.

(3) Subregulations (1) and (2) do not apply if, under a controlled waste NEPM exemption, the controlled waste or the transportation of the controlled waste is exempt from the controlled waste NEPM clause 13(c).

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25O. Driver's obligation

(1) A driver must not transport a controlled waste on a road in the course of the interstate transport of the controlled waste unless the driver has a copy of a consignment authorisation for that interstate transport of the waste.

Penalty for this subregulation: a fine of $5 000.

(2) Subregulation (1) does not apply if, under a controlled waste NEPM exemption, the controlled waste or the transportation of the controlled waste is exempt from the controlled waste NEPM clause 13(c).

25P. Obligations of occupier of waste facility

(1) The occupier of a waste facility must not cause or allow a driver to unload a controlled waste at the facility if —

(a) the driver transported the controlled waste on a road to the facility in the course of the interstate transport of the waste; and

(b) either —

(i) there is no consignment authorisation for that interstate transport of the controlled waste; or

(ii) the consignment authorisation for that interstate transport of the controlled waste specifies that the waste is to be transported to a place other than the facility.

Penalty for this subregulation: a fine of $5 000.

(2) Subregulation (1) does not apply if —

(a) under a controlled waste NEPM exemption, the controlled waste or the transportation of the controlled waste is exempt from the controlled waste NEPM clause 13(c); or

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(b) the controlled waste is unloaded as approved or directed by the CEO under subregulation (4).

(3) It is a defence to a charge under subregulation (1) to prove that the occupier of the waste facility did not know, and could not reasonably have known, that the driver transported the controlled waste on a road to the facility in the course of the interstate transport of the waste.

(4) If there is a consignment authorisation (***existing consignment authorisation***) for the interstate transport of a controlled waste to a waste facility, the CEO may approve or direct the unloading of the controlled waste —

(a) at another waste facility specified in the approval or direction; and

(b) within a period specified in the approval or direction.

(5) If the CEO gives an approval or direction under subregulation (4), the existing consignment authorisation is taken to be —

(a) a consignment authorisation for the interstate transport of the controlled waste to the waste facility specified in the approval or direction; and

(b) in effect until the end of the period specified under subregulation (4)(b) in the approval or direction.

25Q. Obligations additional to obligations relating to controlled waste tracking form

An obligation imposed on a person under this Division in relation to a consignment authorisation for the interstate transport of a controlled waste applies in addition to any obligation imposed on the person under these regulations in relation to a controlled waste tracking form for the transportation of the waste.

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Part 3 — Transport of controlled waste generally~~Transportation and unloading of a controlled waste~~

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

Division 1 — Waste holder's obligations

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

25. Obligations relating to transportation

(1) A waste holder who causes or allows a controlled waste ~~of a type referred to in regulation 11(1)(a)~~ in the waste holder's possession or control to be transported on a road by a person other than a WA carrier authorised ~~licensed~~ to transport the ~~that type of~~ controlled waste under a licence commits an offence.

Penalty for this subregulation: a fine of $5 000.

(1A) It is a defence to a charge under subregulation (1) to prove that —

(a) the controlled waste was being transported —

(i) from a place in this State to a place in another State or a Territory; or

(ii) from a place in another State or a Territory to a place in this State;

and

(b) the person was an interstate carrier authorised to transport the controlled waste under an interstate licence.

(2) A waste 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.

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Penalty for this subregulation: a fine of $5 000.

(3) A waste holder who does not provide to a carrier transporting a controlled waste for the waste holder, or to a person collecting a controlled waste from the waste holder, the information relating to that waste set out in Schedule 2 Division 2 commits an offence.

Penalty for this subregulation: a fine of $5 000.

(4A) A waste holder who does not sign, or cause the waste holder's representative to sign, the controlled waste tracking form held by the person collecting a controlled waste from the waste holder commits an offence.

Penalty for this subregulation: a fine of $5 000.

(4B) Subregulation (4A) does not apply if the waste holder is not present or represented when the controlled waste is collected from the waste holder.

(4) A waste holder must not provide ~~who provides~~ information relating to 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.~~

Penalty for this subregulation: a fine of $5 000.

(5) A waste holder who engages a carrier to transport a controlled waste must keep a receipt issued in relation to the waste by a ~~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.

Penalty for this subregulation: a fine of $5 000.

~~(6) A waste holder who contravenes subregulation (5) commits an offence.~~

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[Regulation 25 amended: 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.

Penalty for this subregulation: a fine of $5 000.

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

27. Directions to transport controlled waste to 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 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 waste facility in the manner or within the time specified in the notice referred to in subregulation (2) commits an offence.

Penalty for this subregulation: a fine of $5 000.

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[Regulation 27 amended: Gazette 1 Aug 2014 p. 2800.]

Division 2 — Carrier's obligations

28. **Carrier must not transport controlled waste without controlled waste tracking form~~Controlled waste tracking form required to transport controlled waste~~**

(1) A carrier who transports or causes to be transported a controlled waste on a road without a controlled waste tracking form, containing the information set out in Schedule 2 Division 3, for the transportation of that waste commits an offence.

Penalty for this subregulation: a fine of $5 000.

(2) It is a defence to a charge under subregulation (1) ~~In proceedings against a carrier for a breach of subregulation (1) it is a defence for the carrier~~ to prove that —

(a) the controlled waste was a packaged controlled waste; and

(b) the total weight or volume of packaged controlled waste being transported on the vehicle of the carrier~~-~~ at any one time was less than 200 kg or 200 L; and

(c) the controlled waste was not being transported —

(i) from a place in this State to a place in another State or a Territory; or

(ii) from a place in another State or a Territory to a place in this State.

[Regulation 28 amended: Gazette 1 Aug 2014 p. 2800.]

29. **Carrier must ensure driver of vehicle used to transport controlled waste has controlled waste tracking form~~Obligations of carrier as to transportation of controlled waste~~**

(1) A carrier commits an offence if —

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(a) a vehicle is being used to transport a controlled waste on a road; and

(b) the driver of the vehicle is employed by the carrier to transport the waste; and

(c) the carrier fails to ensure that the driver has a controlled waste tracking form, containing the information set out in Schedule 2 Division 3, for the transportation of the waste.

Penalty for this subregulation: a fine of $5 000.

~~(1) A carrier who fails to ensure that a driver, employed or engaged by the carrier, of a vehicle which is being used to transport a controlled waste on a road has a controlled waste tracking form, containing the information set out in Schedule 2 Division 3, for the transportation of the waste commits an offence.~~

(2) It is a defence to a charge under subregulation (1) ~~In proceedings against a carrier for a breach of subregulation (1) it is a defence for the carrier~~ to prove that —

(a) the controlled waste was a packaged controlled waste; and

(b) the total weight or volume of packaged controlled waste being transported by the driver on a vehicle at any one time was less than 200 kg or 200 L; and

(c) the controlled waste was not being transported —

(i) from a place in this State to a place in another State or a Territory; or

(ii) from a place in another State or a Territory to a place in this State.

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

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

Penalty for this subregulation: a fine of $5 000.

(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 vehicle or tank was used in compliance with subregulation (1); and

(b) the vehicle or tank was 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 30 amended: Gazette 1 Aug 2014 p. 2801.]

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

~~(1) A carrier who, except with the written permission of the CEO, transports or causes to be transported on a road anything that is not a controlled waste in a vehicle or tank licensed under 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 vehicle or tank was used in compliance with subregulation (1); and~~

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~~(b) the vehicle or tank was 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: 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(1) commits an offence.

Penalty for this subregulation: a fine of $5 000.

(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 gave the waste holder a receipt under regulation 35(1) ~~complied with subregulation (1)~~; and

(b) the driver failed to give the waste holder a receipt under regulation 35(1) ~~to comply with subregulation (1)~~ without the carrier's knowledge; and

(c) the carrier could not by the exercise of reasonable diligence have ensured that the driver gave the waste holder a receipt under regulation 35(1) ~~prevented the commission of the offence~~.

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

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

(1) In this regulation —

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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.

Penalty for this subregulation: a fine of $5 000.

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

Division 3 — Driver's obligations

32. ~~Obligations of drivers as to transportation of controlled waste~~Driver must not transport controlled waste without controlled waste tracking form

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

Penalty for this subregulation: a fine of $5 000.

(2) It is a defence to a charge under subregulation (1) ~~In proceedings against a driver for a breach of subregulation (1) it is a defence for the driver~~ to prove that —

(a) the controlled waste was a packaged controlled waste; and

(b) 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; and

(c) the controlled waste was not being transported —

(i) from a place in this State to a place in another State or a Territory; or

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(ii) from a place in another State or a Territory to a place in this State.

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

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

A driver who fails to ensure that a vehicle or tank that the driver ~~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.

Penalty: a fine of $5 000.

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

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

~~A licensed driver who carries anything that is not a controlled waste in a 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: Gazette 1 Aug 2014 p. 2804.]*~~

35. Obligations of driver to provide receipt

(1) A driver who, before transporting a controlled waste on a road for a waste holder, does not give the waste holder a receipt setting out the information in Schedule 2 Division 1 commits an offence.

Penalty for this subregulation: a fine of $5 000.

(2) A driver must not make ~~who makes~~ a statement in a receipt given under subregulation (1) that is —

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

(b) likely to deceive in a material way.~~,~~

~~commits an offence.~~

Penalty for this subregulation: a fine of $5 000.

[Regulation 35 amended: Gazette 1 Aug 2014 p. 2804.]

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

36. Validity of controlled waste tracking form

(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 or interstate licence; and

(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 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 (other than a bulk controlled waste that is being transported from a place in another State or a Territory to a place in this State), for the shorter of the following —~~,~~

(i) the ~~for a~~ period of 7 days beginning on ~~the~~ consignment day; or

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(ii) the period beginning on consignment day and 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);

or

(b) in the case of any other controlled waste, for the shorter of the following —~~,~~

(i) the period of 21 days beginning on consignment day; or

(ii) the period beginning on consignment day and 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).~~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.~~

(2) In subregulation (1) —

consignment day means the day on which 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.

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(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 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 collection of the type of controlled waste specified in the controlled waste tracking form whether collected from the same or different waste holders.

[Regulation 36 amended: 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. CEO to ensure each controlled waste tracking form has unique number

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: Gazette 1 Aug 2014 p. 2807.]

Consultation Draft

Division 5 — Unloading controlled waste

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

39. Obligations as to unloading controlled waste

(1) 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 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.

Penalty for this subregulation: a fine of $5 000.

(2) Unless otherwise approved or directed by the CEO, a driver must not unload a controlled waste at a waste facility if any of the following circumstances exist —

(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 to this State~~,~~ —

(i) the consignment authorisation for that interstate transport of the controlled waste is no longer in effect; or

(ii) the period of 7 days beginning on the day on which the vehicle or tank entered the State has ended.

~~later than 7 days after the day on which the vehicle or tank entered this State.~~

Penalty for this subregulation: a fine of $5 000.

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(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.

Penalty for this subregulation: a fine of $5 000.

(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).

Penalty for this subregulation: a fine of $5 000.

(5) The CEO may approve or direct the unloading of a controlled waste —

(a) at a specified waste facility other than the waste facility specified in the controlled waste tracking form for the transportation of that waste; and

(b) at a specified time.

[(6) deleted]

~~(7) A person who contravenes subregulation (1), (2), (3) or (4) commits an offence.~~

(8) In proceedings against a carrier for a breach of subregulation (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

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(b) 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: Gazette 1 Aug 2014 p. 2807-9.]

40. Procedure on unloading controlled waste

(1) Before unloading a controlled waste at a waste facility, the driver of the vehicle on which the waste is carried to the facility must~~—~~

~~(a) if the driver is a licensed driver, present the driver's identification card issued under regulation 19 to the occupier of the waste facility; and~~

~~(b)~~ give the controlled waste tracking form for the waste to be unloaded at the waste facility to the occupier of the waste facility.

Penalty for this subregulation: a fine of $5 000.

(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: Gazette 1 Aug 2014 p. 2809-10.]

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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.

Penalty for this subregulation: a fine of $5 000.

(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: Gazette 1 Aug 2014 p. 2810.]

41. Obligations of occupier of waste facility

(1) The occupier of a 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 waste facility.

Penalty for this subregulation: a fine of $5 000.

(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).

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(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 waste facility for at least 3 years from the day on which the waste is unloaded at the waste facility.

Penalty for this subregulation: a fine of $5 000.

(4) The occupier of a 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 unloaded at the waste facility.

Penalty for this subregulation: a fine of $5 000.

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

Penalty for this subregulation: a fine of $5 000.

(6) The occupier of a waste facility who receives a controlled waste must send to the CEO within 14 days after the day on which the waste was unloaded at the waste facility —

(a) a copy of the controlled waste tracking form to 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.

Penalty for this subregulation: a fine of $5 000.

(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.

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

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

Division 6 — Disposal of material containing asbestos

42. 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;

material containing asbestos means material —

(a) which contains 0.001% or more of asbestos fibres weight/weight; and

(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 Chief Health Officer under the *Health (Miscellaneous Provisions) 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: Gazette 1 Aug 2014 p. 2813; 10 Jan 2017 p. 194.]

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43. Disposal of material containing asbestos

A person who disposes of material containing asbestos otherwise than at a 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).

Penalty: a fine of $5 000.

[Regulation 43 amended: Gazette 1 Aug 2014 p. 2813.]

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

A person commits an offence if the person ~~who~~ takes material containing asbestos to a 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; and

(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.~~

Penalty: a fine of $5 000.

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

45. Duty to notify others of presence of asbestos

A person commits an offence if the person~~who~~ —

(a) takes material containing asbestos to a waste facility or to a place approved by the CEO under regulation 46(a); and

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(b) does not inform the person who operates or controls the waste facility or place that the material is or contains asbestos.~~,~~

~~commits an offence.~~

Penalty: a fine of $5 000.

[Regulation 45 amended: 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 waste facility, the CEO may, in writing —

(a) approve a place other than a 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: 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.

Penalty: a fine of $5 000.

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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; and

(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, 2A and 3 if the CEO is satisfied that —

(a) there are grounds under subregulation (2AA) for giving the exemption; and

~~(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.

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(2AA) There are grounds for giving an exemption if —

(a) both of the following requirements are met —

(i) an emergency declaration is or was in force;

(ii) because of the emergency to which the emergency declaration relates or related, the person cannot reasonably comply with the regulations;

or

(b) the exemption relates to the transportation of controlled waste by a person in the performance of the person's functions as —

(i) a police officer; or

(ii) a police auxiliary officer appointed under the *Police Act 1892* section 38G(1); or

(iii) a member of the Australian Federal Police;

or

(c) both of the following requirements are met —

(i) the exemption relates to the transportation of controlled waste to, from or through a place that cannot be accessed by vehicles of a kind ordinarily used to transport controlled waste;

(ii) because of the circumstances mentioned in subparagraph (i), the person cannot reasonably comply with the regulations in relation to the transportation of the controlled waste;

or

(d) all of the following requirements are met —

(i) the exemption relates to a single and non-recurring instance of transportation of a controlled waste in a vehicle or tank;

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(ii) the transportation of the controlled waste will be completed within the period of 7 days after the day on which the waste is first loaded onto the vehicle or tank;

(iii) the transportation of the controlled waste presents a low risk to the environment and public safety.

(2AB) In subregulation (2AA) —

emergency has the meaning given in the *Emergency Management Act 2005* section 3;

emergency declaration means an emergency situation declaration or a state of emergency declaration (as those terms are defined in the *Emergency Management Act 2005* section 3).

(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.

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(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: Gazette 1 Aug 2014 p. 2815-16.]

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: Gazette 1 Aug 2014 p. 2816.]

50. Inspection of licences, tracking forms and tracking numbers

~~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~~

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~~(b) fails to give the controlled waste tracking form or number to the inspector,~~

~~commits an offence.~~

(1) A person commits an offence if the person —

(a) is required under these regulations to hold a licence; and

(b) is required by an inspector to produce the licence for inspection; and

(c) fails to produce the licence for inspection.

Penalty for this subregulation: a fine of $5 000.

(2) A person commits an offence if the person —

(a) is required under these regulations to have a controlled waste tracking form or number or a copy of a consignment authorisation; and

(b) is required by an inspector to give the controlled waste tracking form or number or the copy of the consignment authorisation to the inspector; and

(c) fails to give the controlled waste tracking form or number or the copy of the consignment authorisation to the inspector.

Penalty for this subregulation: a fine of $5 000.

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.

Penalty for this subregulation: a fine of $5 000.

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52. Appeals

(1) A person who is aggrieved by a decision of the CEO under regulation 5(2), 6(1), 6(2) or~~,~~ 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~~),~~) and 6(1) and (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: 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

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

(2) The CEO may reduce, waive or refund, in whole or in part, any fee referred to in these regulations.

(3) Subregulation (2) is not limited by regulation 7.

[Regulation 54 inserted: Gazette 13 Apr 2007 p. 1669; amended: SL 2020/72 r. 4.]

*[**55-57.** Deleted in Gazette 1 Aug 2014 p. 2816.]*

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Schedule 1 — Controlled waste

[r. 2]

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

Chromium compounds (hexavalent or trivalent)

Clinical and related 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 polymerised controlled wastes

Ethers

Filter cake containing controlled wastes

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Fire debris or fire washwaters

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

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 ~~Biphenyls~~ 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

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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

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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 napthalenes (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: Gazette 1 Aug 2014 p. 2817-18.]

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Schedule 2 — Transport information

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

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

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

[Heading inserted: 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

Date controlled waste is loaded onto or into vehicle or tank

If a consignment authorisation is required for the transportation of the controlled waste — the consignment authorisation number

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

Division 2 — Information to be provided by waste holder

[Heading inserted: 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)

If a consignment authorisation is required for the transportation of the controlled waste — the consignment authorisation number

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

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

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

Waste holder's name or identification number

Waste holder's address

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Name and address of waste facility

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 identification number (if any) ~~Tank licence number (if licence required under these regulations)~~

Carrier's name

WA c~~C~~arrier's licence number or interstate carrier's interstate licence number

Vehicle or tank capacity

If a consignment authorisation is required for the transportation of the controlled waste — the consignment authorisation number

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

Division 4 — Information to be recorded by the occupier of waste facility

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

Name and address of waste facility

Date of receipt at waste facility

Type of controlled waste

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Amount of controlled waste

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

Discrepancies

[Division 4 inserted: Gazette 1 Aug 2014 p. 2819-20.]

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Schedule 3 — Fees

[r. 54]

[Heading inserted: Gazette 1 Aug 2014 p. 2820.]

Item	Type of fee	Fee $
1.	Licence as a WA carrier (r. 4(1))	225.00 one year 555.00 3 years 885.00 5 years
~~2.~~	~~Licence as a driver (r. 4(1), 20(1))~~	~~225.00 one year~~ ~~345.00 3 years~~ ~~465.00 5 years~~
~~3.~~	~~Licence for a vehicle or tank (r. 4(1))~~	~~225.00 one year~~ ~~345.00 3 years~~ ~~465.00 5 years~~
4.	Renewal of licence as a WA carrier (r. 9(1))	165.00 one year 495.00 3 years 825.00 5 years
~~5.~~	~~Renewal of licence as a driver (r. 9(1))~~	~~60.00 one year~~ ~~180.00 3 years~~ ~~300.00 5 years~~
~~6.~~	~~Renewal of licence for a vehicle or tank (r. 9(1))~~	~~60.00 one year~~ ~~180.00 3 years~~ ~~300.00 5 years~~
7.	Application for a condition of a licence to be changed or removed (r. 6(5))	105.00
8.	Application for transfer of licence (r. 25C(2))	105.00
9.	Controlled waste tracking number (r. 37(1)) —	
	~~(a) issued electronically on or after 16 April 2014 and on or before 15 April 2015~~	~~39.50~~

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Item	Type of fee	Fee $
	~~(b) issued other than electronically on or after 16 April 2014 and on or before 15 April 2015~~	~~51.50~~
	~~(c) issued electronically on or after 16 April 2015 and on or before 15 April 2016~~	~~41.00~~
	~~(d) issued other than electronically on or after 16 April 2015 and on or before 15 April 2016~~	~~53.50~~
	~~(e) issued electronically on or after 16 April 2016 and on or before 15 April 2017~~	~~42.50~~
	~~(f) issued other than electronically on or after 16 April 2016 and on or before 15 April 2017~~	~~55.50~~
(g)	issued electronically ~~on or after 16 April 2017~~	44.00
(h)	issued other than electronically ~~on or after 16 April 2017~~	57.50

[Schedule 3 inserted: Gazette 1 Aug 2014 p. 2820-1.]

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Part 3 — *Environmental Protection (Rural Landfill) Regulations 2002* amended

4. Regulations amended

This Part amends the *Environmental Protection (Rural Landfill) Regulations 2002*.

5. Regulation 3 amended

(1) In regulation 3 delete the definitions of:

clinical waste

material containing asbestos

(2) In regulation 3 insert in alphabetical order:

clinical and related waste has the meaning given in the *Environmental Protection (Controlled Waste) Regulations 2004* regulation 2;

material containing asbestos has the meaning given in the *Environmental Protection (Controlled Waste) Regulations 2004* regulation 42;

6. Regulation 15 amended

In regulation 15(1) and (2) delete "clinical waste" and insert:

clinical and related waste

Note: The heading to amended regulation 15 is to read:

Approval for disposal at landfill site of clinical and related waste or material containing asbestos

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7. Regulation 16 amended

In regulation 16(1), (2), (3)(a) and (b) and (4) delete "clinical waste" and insert:

clinical and related waste

Note: The heading to amended regulation 16 is to read:

Disposal of clinical and related waste and material containing asbestos

Consultation Draft

Part 4 — *Environmental Protection Regulations 1987* amended

8. Regulations amended

This Part amends the *Environmental Protection Regulations 1987*.

9. Schedule 6 amended

In Schedule 6 delete:

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
11A.	regulation 25B(2)	250	500
11.	regulation 25(1)	250	500
12.	regulation 25(2)	250	500
13.	regulation 25(3)	250	500
14A.	regulation 25(4A)	250	500
14.	regulation 25(4)	250	500
15.	regulation 25(6)	250	500

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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
21A.	regulation 31A(1)	250	500
21.	regulation 31(1)	250	500
22A.	regulation 32A(2)	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 39(7)	250	500
28.	regulation 40(2)	250	500
29.	regulation 41A(3)	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

and insert:

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Environmental Protection (Controlled Waste) Regulations 2004			
1.	regulation 6(4)	250	500
2.	regulation 11(1)	250	500
3.	regulation 13	250	500
4.	regulation 15(1)	250	500
5.	regulation 15(2)	250	500
6.	regulation 15A(2)	250	500
7.	regulation 15A(3)	250	500
8.	regulation 15A(5)	250	500
9.	regulation 25B	250	500
10.	regulation 25I(3)	250	500
11.	regulation 25I(4)	250	500
12.	regulation 25M(1)	250	500
13.	regulation 25M(2)	250	500
14.	regulation 25M(4)	250	500
15.	regulation 25N(1)	250	500
16.	regulation 25N(2)	250	500
17.	regulation 25O(1)	250	500
18.	regulation 25P(1)	250	500
19.	regulation 25(1)	250	500
20.	regulation 25(2)	250	500
21.	regulation 25(3)	250	500
22.	regulation 25(4A)	250	500
23.	regulation 25(4)	250	500
24.	regulation 25(5)	250	500

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25.	regulation 26(2)	250	500
26.	regulation 27(3)	250	500
27.	regulation 28(1)	250	500
28.	regulation 29(1)	250	500
29.	regulation 30(1)	250	500
30.	regulation 31(1)	250	500
31.	regulation 32A(2)	250	500
32.	regulation 32(1)	250	500
33.	regulation 33	250	500
34.	regulation 35(1)	250	500
35.	regulation 35(2)	250	500
36.	regulation 39(1)	250	500
37.	regulation 39(2)	250	500
38.	regulation 39(3)	250	500
39.	regulation 39(4)	250	500
40.	regulation 40(1)	250	500
41.	regulation 41A(1)	250	500
42.	regulation 41(1)	250	500
43.	regulation 41(3)	250	500
44.	regulation 41(4)	250	500
45.	regulation 41(5)	250	500
46.	regulation 41(6)	250	500
47.	regulation 43	250	500
48.	regulation 44	250	500
49.	regulation 45	250	500
50.	regulation 47	250	500
51.	regulation 50(1)	250	500

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52.	regulation 50(2)	250	500
53.	regulation 51(2)	250	500

Clerk of the Executive Council

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