



## Controlled waste fact sheet

# Requirements of bulk controlled waste drivers

## What is bulk controlled waste?

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

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

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

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

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

Different requirements apply to drivers of packaged controlled waste.

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

Carriers, vehicles and tanks transporting bulk controlled waste require bulk controlled waste licenses.

For more information about [controlled waste carriers and controlled waste vehicles and tanks](#), please refer to the department website, or contact the department on 08 6364 7000.

## Who needs a bulk controlled waste driver licence?

A person employed or engaged by a carrier to transport bulk controlled waste on a road in Western Australia must hold a valid controlled waste driver licence issued by the department.

Under section 5 of the *Road Traffic Act 1974*:

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

## How do I apply for a controlled waste driver licence?

To apply for a bulk controlled waste driver licence the applicant is advised to:

- ensure he/she holds a current motor driver's licence issued under the *Road Traffic Act 1974* for the type of vehicle to be driven
- complete and submit to the department [Form CW2 – Application for bulk controlled waste driver licence](#)



- submit two colour passport photographs, or a digital image of the applicant
- provide proof of an adequate level of technical competence by reading the [Driver information package](#) for the transportation of bulk controlled waste, and successfully completing the written assessment
- pay the [scheduled licence fee](#).

Once the department grants a controlled waste driver licence, the applicant will be notified in writing and provided with a controlled waste driver licence and identification card.

Complete and legible applications will be determined within 30 days.

Regulation 5 provides:

- (3) If the CEO has not determined an application made under regulation 4 by the end of the period of 30 days —
- (a) beginning on the day on which the application was made to the CEO; or
  - (b) beginning on the day on which information required to be provided under regulation 4(2) is received by the CEO,
- whichever is the later, he or she is taken to have made a decision to refuse the application on the last day of that period.

### **How long is a bulk controlled waste driver licence valid?**

Applicants applying for a controlled waste driver licence may choose a one, three or five-year period.

Before the expiry of a driver's bulk controlled waste licence the driver may choose to renew the licence for one, three or five years.

The department website has more information on [fees](#).

### **Licence renewal**

Before its expiry the driver is responsible for renewing his/her controlled waste driver licence.

The department may send the driver a renewal invoice up to five weeks before the expiry of the licence.

If a licence renewal invoice has not been received, the department should be contacted prior to the licence expiry date.

A driver cannot lawfully transport controlled waste when his/her bulk controlled waste driver licence has expired. Failure by a driver to renew the bulk controlled waste driver licence before the due date will result in the licence expiring.

If a driver wants to transport bulk controlled waste after his/her bulk controlled waste licence has expired, a new bulk controlled waste driver licence application must be submitted accompanied by the full licence fee.

### **How do I provide proof of an adequate level of technical competence to transport bulk controlled waste on a road?**

Applicants must read the [Driver information package for transportation](#)



[of bulk controlled waste](#). This information package explains requirements for transporting bulk controlled waste on roads in Western Australia.

After reading the information package, the applicant must complete the written assessment at Appendix C of the information package and must submit the completed assessment with his/her completed Form [CW2 – Application for bulk controlled waste driver licence](#) to the department via mail or email.

The department will only issue a bulk controlled waste driver licence upon an applicant passing the written assessment. A pass means correctly answering 28 or more questions out of the 32 questions that form the assessment.

If an applicant refuses or fails to undertake the required written assessment, the bulk controlled waste driver licence application will be refused by the Chief Executive Officer (the CEO) of the department on the grounds of failure to demonstrate adequate technical competence.

#### **Do I need to periodically review the driver information package and assessment?**

Yes. To ensure a driver's knowledge of bulk controlled waste requirements remains current, all bulk controlled waste drivers are reassessed on a three-yearly basis via a written assessment.

A driver who holds a three or five-year licence will be required to read an information package before renewing his/her licence, and submit the

completed written assessment with the renewal payment.

If a driver renews his/her licence annually, a completed written assessment must be submitted every three years.

The driver information package for transportation of bulk controlled waste is updated from time to time.

#### **Can my licence be refused, cancelled or suspended?**

Yes. The CEO of the department may refuse a bulk controlled waste driver licence application or renewal, or suspend or cancel a bulk controlled waste driver licence at any time if the CEO is satisfied that the applicant or driver:

- does not have adequate technical competency to drive a vehicle transporting controlled waste
- is not of good character and repute
- has been convicted of an offence against the Regulations, or the *Environmental Protection Act 1986*, or corresponding laws
- has submitted an application containing or is accompanied by information that is false or misleading, or
- has breached a condition to which the licence is subject.

#### **How do I amend my licence or update my details?**

If seeking an amendment to a licence condition or changing a name, address or contact details, a driver should complete and submit to the department [Form CW9 – Amendment](#)



[to a bulk controlled waste driver licence.](#)

A fee applies to amending a licence condition. For more information on [Schedule of controlled waste fees](#), please refer to the department website, or contact the department on 08 6364 7000.

**Do I need to notify the department when I change employers?**

No. A carrier must notify the department in writing within 14 days of a licensed driver commencing or ceasing to be employed or engaged by the carrier.

The carrier completes and sends to the department [Form CW7 – Notification of change of driver's employer](#).

**I have a licence to transport controlled waste in another state or territory; can I transport controlled waste in Western Australia?**

No. A driver that holds a bulk controlled waste licence issued in another state or territory and wishes to transport controlled waste on roads in Western Australia will need to submit an application to the department to be licensed as a controlled waste driver in Western Australia.

For more information on the [interstate transport of controlled waste](#), refer to the department website, or contact the department on 08 6364 7000.

**I have a Dangerous Goods licence; do I still need a controlled waste licence?**

Yes. A driver holding a Dangerous Goods driver licence issued by the Department of Mines, Industry Regulation and Safety is required to

hold a bulk controlled waste driver licence when transporting bulk controlled waste in Western Australia.

**I have lost my bulk controlled waste driver licence identification card. What should I do?**

It is an offence for a driver to fail to carry his/her bulk controlled waste driver identification card at all times while engaged in the transport of bulk controlled waste on the road.

To request a replacement identification card, contact the department on 08 6364 7000, or email [controlled.waste@dwer.wa.gov.au](mailto:controlled.waste@dwer.wa.gov.au).

**Controlled waste tracking forms**

Each bulk controlled waste vehicle or tank, or packaged controlled waste vehicle transporting loads equal to or greater than 200 kg or 200 litres, must be accompanied by a controlled waste tracking form (CWTF).

The department issues CWTFs to licensed carriers via the Controlled Waste Tracking System (CWTS), or in a book of 20 pre-paid paper forms.

The carrier must provide the driver with a valid CWTF to use during transport.

The driver must complete information on the CWTF about the waste holder, waste type and volume, carrier, driver and the waste facility that will receive the load. The driver must record when and where controlled waste is collected and unloaded.

CWTFs are valid for seven (7) days for bulk waste and 21 days for packaged waste from the date of the first waste collection recorded on the CWTF.



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

For more information about [controlled waste tracking](#) please refer to the department's website, or contact the department on 08 6364 7000.

## Bulk controlled waste driver responsibilities

### Before transporting bulk controlled waste

Before transporting bulk controlled waste the driver must:

- hold a valid bulk controlled waste driver licence
- carry his/her bulk controlled waste driver identification card while transporting bulk controlled waste
- have in possession a CWTF.

### Collecting controlled waste from the waste holder

When collecting bulk controlled waste from the waste holder, the driver must:

- not, without carrying a copy of written permission from the department, transport non-controlled waste in a bulk controlled waste licensed vehicle or tank
- accurately and completely record all the required waste collection information on the CWTF
- sign the CWTF
- provide the opportunity for the waste holder, or the waste holder's representative, to sign the CWTF

- issue the waste holder with a receipt that contains the CWTF number, date, type and amount of controlled waste loaded onto the vehicle or into the tank. It is an offence to provide information that is false or misleading or likely to deceive in a material way
- ensure, before transport, that he or she has obtained documented proof that any chromium waste collected from the waste holder has been reduced from hexavalent to trivalent chromium with total hexavalent not exceeding 100 milligrams per litre (mg/L)
- ensure, before transport, that he or she has obtained documented proof that any cyanide waste collected from the waste holder has been oxidised to destroy free cyanide (free cyanide not to exceed 5 mg/L)
- ensure, before transport, that for any solvents, chromium and cyanide wastes that he or she has documented proof that the flashpoint of the controlled waste is higher than 61 °C
- not mix controlled waste categories in the tank unless the carrier is authorised through licence conditions issued by the department to do so. Provided the waste facility is notified prior to unloading the waste at the waste facility, the mixing of the following waste types is accepted:
  - K110, K130 and K210, or
  - K110, K210, L100 and L150



- test the pH of the controlled waste and record it on the CWTF (this is NOT required for categories J130, K110, K130 and K210). Do not transport controlled waste outside the pH range of 2 to 12.5 unless the tank is a Dangerous Goods licensed tank.

### Transporting controlled waste

During transport, the driver must:

- carry his/her bulk controlled waste driver identification card at all times
- ensure the vehicle or tank being driven is used in manner that prevents waste from spilling, discharging or falling from vehicle or tank
- notify the department immediately if any waste spills or falls from the vehicle or is discharged to a location other than a waste facility
- in the event of a discharge, refer to and follow the procedures in the carrier's spill management plan.

### Unloading controlled waste at a waste facility

Before unloading controlled waste at a waste facility, the driver must:

- present his/her bulk controlled waste driver identification card and controlled waste vehicle or tank identification card to the occupier
- give to the waste facility the CWTF for the waste that is being unloaded (for paper CWTFs this is the white copy)
- ensure the CWTF is still valid

- unload controlled waste only at a waste facility that can lawfully accept that waste type.

For more information on unloading at a transit facility, please refer to fact sheet '[Controlled waste transit facility](#)'.

### Unoccupied waste facilities

Drivers unloading at unoccupied waste facilities will not be able to present the controlled waste driver identification card to the waste facility occupier, or provide the CWTF number before unloading the controlled waste.

Within seven (7) days of unloading a controlled waste at an unoccupied waste facility the carrier, or the driver, must provide the waste facility occupier with a copy of the CWTF, or the controlled waste tracking number and information that the CWTF contains as set out in Schedule 2, Division 3 of the Regulations.

### Penalties

Drivers who fail to comply with their statutory obligations under the Environmental Protection (Controlled Waste) Regulations 2004, or who breach their bulk controlled waste driver licence conditions, may commit an offence and be subject to penalties.

Offences may result in on-the-spot fines of \$250 or \$500, or a penalty of up to \$5,000, as determined by a court. Pursuant to s.40(5) of the *Sentencing Act 1995*, offences committed by corporations may attract a fine of up to \$25,000 as determined by a court.



## More information

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

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

## Related documents

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

## Legislation

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

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

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## Legal advice

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