



Controlled waste fact sheet

Transporting anything other than controlled waste

Can I transport anything other than controlled waste in my licensed vehicle or tank?

It is an offence for both drivers and carriers to transport or cause to be transported on a road anything that is not controlled waste in a licensed controlled waste vehicle or tank, without written permission from the Department of Water and Environmental Regulation (the department).

According to the Environmental Protection Regulations (Controlled Waste) 2004 (the Regulations):

r. 31A (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.

r. 34 A licensed driver who carries anything that is not 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.

Can I transport anything other than controlled waste in a vehicle that I use for packaged controlled waste?

If the vehicle or tank has no controlled waste licence and only transports packaged controlled waste, then it is not an offence to transport anything other than controlled waste on the vehicle.

For information on packaged and bulk controlled waste or vehicle and tank licensing requirements, refer to the Department of Water and Environmental Regulation (the department) [online fact sheets](#), or contact the department on 08 6364 7000.

Carrier responsibilities when transporting anything other than controlled waste in a licensed vehicle or tank

It is the carrier's responsibility to seek and obtain written permission from the department to transport anything other than controlled waste in one of their licensed vehicles or tanks before undertaking the transport.

A request for written permission must be lodged using [Form CW 24 – Application to transport anything other than a controlled waste in a licensed controlled waste vehicle or tank](#).



What if the transport occurs without my permission?

The Regulations provide a defence for carriers should the transport of anything other than controlled waste occur:

- without their knowledge
- despite the carrier issuing proper instructions and undertaking reasonable precaution and due diligence to prevent the transport occurring.

r. 31A (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.

What if I am not transporting waste but water or a product?

The requirement to obtain written permission applies to anything other than controlled waste, including water and products.

How do I apply for written permission?

If you wish to seek written permission, you will need to complete [Form CW 24 – Application to transport anything other than a controlled waste in a licensed controlled waste vehicle or](#)

[tank](#) to transport anything other than a controlled waste in a licensed controlled waste vehicle or tank.

When completing Form CW 24 it is important to ensure that you clearly provide specific detail about why it is necessary to transport non-controlled waste and how you will ensure that the transport is undertaken safely. Some questions to consider are:

1. Why do I need to use a licensed controlled waste vehicle or tank to transport the non-controlled waste rather than another non licensed vehicle?
2. What procedures will I use to prevent cross contamination between controlled waste and non-controlled waste?

The completed form must be submitted to the department. There is no fee for the application which generally takes 30 days to be assessed and you will be notified in writing of the outcome.

Driver responsibilities when transporting anything other than controlled waste in a licensed vehicle or tank

A driver must not transport anything other than controlled waste in a licensed vehicle or tank unless they are in possession of written permission from the department authorising the transport to occur.

A driver should carry a copy of the written permission in the vehicle with them while transporting anything other than controlled waste.



Penalties

Breaches of the Regulations may result in on-the-spot fines of \$250 or \$500, or a fine 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.

Significantly larger penalties may result if there is a breach of the *Environmental Protection Act 1986*, such as pollution caused by the illegal disposal of used tyres.

Prosecution can result in fines of up to \$1 million for a corporation, or in the case of an individual up to \$500,000 and/or imprisonment.

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 at 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.