

Hazardous Waste (Regulation of Exports and Imports) Amendment Regulations 2001 (No. 1) 2001 No. 203

EXPLANATORY STATEMENT

Statutory Rules 2001 No. 203

Issued by the Authority of the Minister for the Environment and Heritage

Hazardous Waste (Regulation of Exports and Imports) Act 1989

Hazardous Waste (Regulation of Exports and Imports) Amendment Regulations 2001 (No. 1)

Section 62 of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* ("Act") provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required, or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The purpose of the Regulations is to update the lists of wastes excluded from the definition of household wastes, clarify the status of plastic wastes, and specify particulars of two proposed exports of hazardous wastes for final disposal.

The Act implements Australia's obligations under the Basel Convention, an international treaty set up to control the movement of hazardous waste from one country to another. Household wastes are controlled under the Convention unless they are expressly listed as non-hazardous wastes. Under the Act, these non-hazardous wastes are specified in the Regulations to make it clear that they are excluded from control. The current list of excluded wastes is out of date and the changes replace it with relevant extracts from Annex IX of the Basel Convention.

In the particular case of plastic wastes, Entry B3010 in Annex IX of the Basel Convention defines solid plastic or mixed plastic materials as wastes not controlled by the Basel Convention, provided that they are not mixed with other wastes and are prepared to a specification. There was uncertainty about the meaning of these words and the Regulations will clarify this meaning by inserting a detailed definition. These will make it easier to distinguish between plastic wastes collected from households, which must not be exported or imported without a permit, and non-hazardous plastic wastes listed in Annex IX, for which a permit is not required.

Section 18A of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* states that the Minister may grant a Basel Export Permit authorising the export of hazardous waste destined for final disposal if at the time of the decision to grant the permit, particulars of the export are specified in the Regulations. The changes specify particulars of two proposed exports, to Canada or the Netherlands, for final disposal.

The amendments specify that:

- the definition of List B, which is out of date, will be omitted (Regulation 3)
- waste mentioned in specified items of Annex IX to the Basel Convention is not household waste (Regulation 4)
- for plastic wastes a reference to a detailed standard will be inserted (Regulation 4)
- particulars for two proposed exports of hazardous wastes will be inserted (Regulation 5)
- Schedule 1 will contain the text of specified items of Annex IX to the Basel Convention.

Details of the Regulations are set out in the Attachment.

The Regulations commence on gazettal.

ATTACHMENT

Hazardous Waste (Regulation of Exports and Imports) Amendment Regulations 2001 (No. 1)

Details of the proposed Regulations are:

Regulation 1 states the name of these Regulations.

Regulation 2 provides that these Regulations will commence on gazettal.

Regulation 3 provides for Schedule 1 to amend the existing Regulations.

Schedule 1 item [1] amends the reference to the name of these Regulations to make it consistent with current practice.

Schedule 1 item [2] inserts the heading "Definitions" in place of the heading "Interpretation".

Schedule 1 item [3] omits the existing definition of List B, which will be replaced by a reference to Annex IX of the Basel Convention in Item 4.

Schedule 1 item [4] amends the definition of household waste and includes a detailed reference to a particular standard in place of the words "a specification".

Schedule 1 item [5] after Regulation 5 inserts particulars of to proposed exports of hazardous waste for final disposal, comprising a diethylaluminiumchloride/heptane mixture and metal alkyl compounds in hydrocarbons.

Schedule 1 item [6] amends Schedule 1 of the Regulations, as modified by new subregulation 4(2).