



Variation to the National Environment Protection (Movement of Controlled Waste between States and Territories) Measure

made under subsection 22A(1) of the

National Environment Protection Council Act 1994 (Cwlth), National Environment Protection Council (New South Wales) Act 1995 (NSW), National Environment Protection Council (Victoria) Act 1995 (Vic), National Environment Protection Council (Queensland) Act 1994 (Qld), National Environment Protection Council (Western Australia) Act 1996 (WA), National Environment Protection Council (South Australia) Act 1995 (SA), National Environment Protection Council (Tasmania) Act 1995 (Tas), National Environment Protection Council Act 1994 (ACT) and the National Environment Protection Council (Northern Territory) Act 1994 (NT)

This variation was made on 15 October 2004

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Introductory Note

Section 20 of the *National Environment Protection Council Act 1994* and the equivalent provision of the corresponding Act of each participating State and Territory enables the National Environment Protection Council to vary a National Environment Protection Measure. This is a variation to the National Environment Protection (Movement of Controlled Waste between States and Territories) Measure made by the National Environment Protection Council on 26 June 1998.

The Variation is to be implemented by the laws and other arrangements participating jurisdictions consider necessary (see Section 7 of the Commonwealth Act and the equivalent provision of the corresponding Act of each participating State and Territory).

1 Citation

This Variation may be cited as the Minor Variation to the National Environment Protection (Movement of Controlled Waste Between States and Territories) Measure.

Note: This Minor Variation commences on gazettal (see *National Environment Protection Council Act 1994*, s 21 and *Acts Interpretation Act 1901*, s 48 as applied by s 46A).

2 Purpose

The purpose of this Minor Variation is to vary the National Environment Protection (Movement of Controlled Waste Between States and Territories) Measure (the Principal Measure) to recognise recycling and Extended Producer Responsibility schemes and to eliminate duplication of regulation with Foods Standards Australia New Zealand and the Therapeutic Goods Administration.

3 Minor Variation to the Principal Measure

- (1) In Clause 3 of the Principal Measure insert the following definitions:
 - “***Approved extended producer responsibility scheme*** means a scheme approved by the affected participating jurisdictions”, and,
 - “***Approved recycling scheme*** means a scheme approved by the affected participating jurisdictions”.
- (2) In Clause 8 of the Principal Measure add the sub-clause:
 - (i) “the movement of controlled wastes subject to product recall approved by the Australian Pesticides and Veterinary Medicines Authority, Food Standards Australia New Zealand, or Therapeutic Goods Administration”.

- (3) In Clause 9 of the Principal Measure add the following sub-clauses:
- (c) “Extended Producer Responsibility exemption. Controlled waste which is subject to an approved extended producer responsibility scheme may be exempted from one or more of clauses 13(f), 13(g), 13(h), 13(i), 13(j)(iii), 13(j)(iv) and 13(j)(v) of the Measure”.
 - (d) “Approved Recycling Scheme exemption. Controlled waste which is subject to an approved recycling scheme may be exempted from one or more of clauses 13(f), 13(g), 13(h), 13(i), 13(j)(iii), 13(j)(iv) and 13(j)(v) of the Measure”.