

Explanatory Statement

for the National Environment Protection (Movement of Controlled Waste between States and Territories) Measure Minor Variation 2012 (No.1).

The National Environment Protection (Movement of Controlled Waste between States and Territories) Measure 1998 (the NEPM)

The Movement of Controlled Waste NEPM was developed to minimise the potential for adverse impacts associated with the movement of controlled waste on the environment and human health. The NEPM provides a basis for ensuring that controlled wastes that are to be moved between States and Territories are properly identified, transported and otherwise handled in ways that are consistent with environmentally sound practices for the management of these wastes. The NEPM provides a national framework for the management of the movement of controlled wastes between States and Territories originating from commercial, trade, industrial or business activities.

Reasons for the Minor Variation to the NEPM

The previous minor variation of the NEPM (as varied in 2010) contained drafting errors. This Minor Variation corrects the drafting errors thereby ensuring that the National Environment Protection Council (NEPC) decision of November 2010 is correctly reflected in the NEPM. In addition the Minor Variation makes limited editorial changes to enhance the ease of reading of the NEPM and correct grammatical errors.

Reasons why NEPC is satisfied that the variation is a minor variation

The Minor Variation addresses drafting errors and does not affect the goal and desired environmental outcomes contained in the NEPM and will have no financial impacts.

As a consequence, the economic, environmental and social impacts of the NEPM are unchanged.

Nature and effect of the Minor Variation to the NEPM

The nature and effects of the Minor Variation are as outlined below:

Title: The title of the Measure is amended so as to include the year of making of the Measure.

Clause 3, Definitions, "Controlled Waste": additional text is included to make it clear that List 1 and List 2 can be found in Schedule A to the NEPM.

Clause 8, Exclusions to the Measure, sub clause (g): additional text is included to make it clear that List 1 can be found in Schedule A to the NEPM.

Clause 9, Exemptions allowed by the Measure: references to Clause 13 are updated so they correctly reflect the text of Clause 13 as written in the November 2010 minor variation and thereby correctly reference discretionary exemptions to the requirements for transporting hazardous waste.

Clause 10, Review of the Measure: The reference to "ten years from the date of commencement" is replaced with "within ten years after the day the Council endorsed the previous review" so as to fully reflect the recommendations from the 2009-2010 review of the NEPM as endorsed by NEPC in July 2010. The labels for the three sub-bullets are changed from "(i)", "(ii)" and "(iii)" to "(a)", "(b)" and "(c)" so as to be consistent with the formatting of other clauses in the NEPM.

Clause 12: the title of this clause is changed to "Environmental Outcomes for this Measure" to be consistent with the text within clauses 11 and 12.

Clause 13, Obligations: the text of paragraph (f) is updated so as to more accurately reflect the wording of Schedule B; the text of paragraph (g) (ii) is corrected so that “part” is replaced by “parts”.

Clause 15, Confidentiality: the date for the Freedom of Information Act (Commonwealth) was erroneously stated as “1981” and this has been amended so as to correctly note “1982”.

Schedule B: text at the start of Schedule B is redrafted so as to improve clarity for reading.

Nature of Public Consultation

Pursuant to Section 22B of the *National Environment Protection Council Act 1994* relating to public consultation for minor variation of national environment protection measures, the National Environment Protection Council prepared a notice stating that the draft of the proposed minor variation to the National Environment Protection (Movement of Controlled Waste between States and Territories) Measure and draft explanatory statement was available to be downloaded from the website of the Standing Council on Environment and Water. The notice stated that submissions on these documents were welcome and the closing date for submissions was Monday 13 August 2012. The notice was published in *The Australian* on 12 July and 18 July 2012 and in the gazette on Wednesday 18 July 2012. No comments were received.