



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

National Environment Protection Council Act 1994

The National Environment Protection Council makes this minor variation under section 22A of the *National Environment Protection Council Act 1994* of the Commonwealth and the equivalent provision of the corresponding Act of each participating State and Territory.

Dated 21 November 2012

THEO HOOY
National Environment Protection Council

1 Name of minor variation

This minor variation is the *National Environment Protection (Movement of Controlled Waste between States and Territories) Measure Minor Variation 2012 (No. 1)*.

2 Commencement

This minor variation commences for the Commonwealth on the day after it is registered.

3 Amendment of National Environment Protection (Movement of Controlled Waste between States and Territories) Measure

Schedule 1 amends the National Environment Protection (Movement of Controlled Waste between States and Territories) Measure.

Schedule 1 Amendments

(section 3)

[1] Clause 1

substitute

1 Title

This Measure is the *National Environment Protection (Movement of Controlled Waste between States and Territories) Measure 1998*.

[2] Clause 3, definition of *Controlled Waste*

substitute

Controlled waste means waste matter mentioned in List 1 of Schedule A that has one or more of the characteristics mentioned in List 2 of Schedule A. Waste matters mentioned in List 1 of Schedule A are considered to have one or more characteristics mentioned in List 2, unless the nominated agency in the jurisdiction of destination is satisfied otherwise.

[3] Paragraph 8 (g)

substitute

(g) containers destined for direct refilling with the same substance in which there remains small amounts of residues of a matter mentioned in List 1 of Schedule A;

[4] Paragraph 8 (h)

omit

jurisdiction.; or

insert

jurisdiction; or

[5] Paragraph 8 (i)

omit

Administration

insert

Administration.

[6] Paragraph 9 (a)

omit

clauses 13(f), 13(g), 13(h), 13(i) and 13(j) of the Measure.

insert

clauses 13(c), 13(d), 13(e), 13(f) and 13(g) of the Measure.

[7] Paragraph 9 (b)

omit

clauses 13(f), 13(g), 13(h), 13(i), 13(j)(iii), 13(j)(iv), and 13(j)(v) of the Measure.

insert

clauses 13(c), 13(d), 13(e), 13(f), 13(g)(iii), 13(g)(iv) and 13(g)(v) of the Measure.

[8] Paragraphs 9 (c) to (d)

omit

clauses 13(f), 13(g), 13(h), 13(i), 13(j)(iii), 13(j)(iv) and 13(j)(v) of the Measure.

insert

clauses 13(c), 13(d), 13(e), 13(f), 13(g)(iii), 13(g)(iv) and 13(g)(v) of the Measure.

[9] Clause 10

substitute

10 Review of Measure

- (a) This Measure must be reviewed within 10 years after the day the Council endorsed the previous review.
- (b) The review must consider:
 - (i) the effectiveness of the Measure in achieving the national environment protection goal set out in Part 2; and

- (ii) the resources available for implementing the Measure; and
- (iii) whether any changes are required to the Schedules or to improve the effectiveness of the Measure in achieving the national environment protection goal set out in Part 2.

[10] Clause 12

substitute

12 Environmental outcomes for this Measure

The desired environmental outcomes for this Measure are to minimise the potential for adverse environmental and human health impacts associated with the movement of controlled waste.

[11] Paragraph 13 (f)

substitute

- (f) Each participating State or Territory must ensure that all controlled wastes transported in accordance with this Measure are accompanied by the following information:
 - (i) for a producer—the information specified in Part 1 of Schedule B;
 - (ii) for a transporter—the information specified in Part 2 of Schedule B;
 - (iii) for a facility operator—the information specified in Part 3 of Schedule B, completed upon acceptance of the waste.

[12] Subparagraph 13 (g) (ii)

omit

part

insert

parts

[13] Paragraph 15 (b)

substitute

- (b) that the onus of substantiating a claim for confidentiality will rest with the producer, transporter or facility operator;
- (c) claims for confidentiality will be assessed:
 - (i) by the Commonwealth on the ground of national security, within the legislative framework existing in the Commonwealth at the time, including the *Freedom of Information Act 1982* where applicable; and

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- (ii) by the appropriate participating State or Territory on the ground of commercial sensitivity, in accordance with the legislative framework existing in that State or Territory at the time.

[14] Schedule B

omit

provides equivalent access for

insert

is accessible to

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.comlaw.gov.au.