

## SUPPLEMENTARY EXPLANATORY STATEMENT

Issued by the authority of the Minister for the Environment and Energy

### *Hazardous Waste (Regulation of Exports and Imports) Legislation Amendment (2017 Measures) Regulations 2017*

#### **Background**

The *Hazardous Waste (Regulation of Exports and Imports) Legislation Amendment (2017 Measures) Regulations 2017* (the Regulations), which came into effect on 1 July 2017, amends the *Hazardous Waste (Regulation of Exports and Imports) Regulations 1996* (the Primary Regulations), the *Hazardous Waste (Regulation of Exports and Imports) (Fees) Regulations 1990* (the Fees Regulations), the *Hazardous Waste (Regulation of Exports and Imports) (Imports from East Timor) Regulations 2003* (the East Timor Regulations), the *Hazardous Waste (Regulation of Exports and Imports) (Waigani Convention) Regulations 1999* (the Waigani Regulations), the *Hazardous Waste (Regulation of Exports and Imports) (OECD Decision) Regulations 1996* (the OECD Regulations) and the *Hazardous Waste (Regulation of Exports and Imports) (Decision IV/9) Regulations 1999* (Decision IV/9 Regulations).

The Regulations:

- (a) Make consequential amendments to the Primary Regulations, the East Timor Regulations, the Waigani Regulations, the OECD Regulations and the Decision IV/9 Regulations as a result of the *Hazardous Waste (Regulation of Exports and Imports) Amendment Act 2017* (the Amendment Act) – the consequential measures; and
- (b) Bring the Primary Regulations and the Fee Regulations into compliance with the Australian Government Cost Recovery Guidelines by introducing measures to achieve full cost recovery of the permitting scheme under the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* (the Act) – the cost recovery measures.

The details of the Regulations is set out in the Explanatory Statement for the Regulations.

#### **Purpose**

The purpose of this Supplementary Explanatory Statement is to set out the details of consultation undertaken in developing the Regulations.

#### **Consultation**

Consultation was undertaken with relevant industry stakeholders with respect to the consequential measures as part of the development of the Amendment Act. This included the release of an Issues Paper in June 2012 through which industry and other interested stakeholders were provided an opportunity to comment. In 2015 the Department of the Environment and Energy engaged a consultant to seek input from public and private sector hazardous waste stakeholders on priorities for hazardous waste reform. Feedback from these processes was considered in the development of the final amendments to the Act. As the consequential measures were required as a consequence of the Amendment Act, no further consultation on the consequential measures for the Regulations was considered necessary.

The cost recovery measures included in the Regulations reflect the Cost Recovery Implementation Statement (CRIS) for Hazardous Waste Permitting. In 2015 and 2016 the Department consulted with relevant businesses on a draft cost recovery implementation statement outlining options for changing permit scheme fees and charges. A Draft CRIS outlining various cost recovery options was circulated among targeted stakeholders by email on 20 May 2015. All stakeholders were invited to provide written comments by 2 June 2015. The Centre for International Economics, working on behalf of the Department, conducted direct consultation with selected stakeholders in mid-2015.

A revised draft of the CRIS was circulated among recent applicants for hazardous waste permits by email on 16 January 2016. Stakeholders were invited to provide written comments by 15 February 2016. Their feedback was incorporated into the final cost recovery implementation statement.