

# **Hazardous Waste (Regulation of Exports and Imports) (Imports from East Timor) Regulations 2001 2001 No. 339**

## **EXPLANATORY STATEMENT**

### **Statutory Rules 2001 No. 339**

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) (Imports from East Timor) Regulations 2001

Section 62 of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* (the Act) provides that the Governor-General may make regulations for the purposes of the Act.

Section 13C of the Act provides that regulations may give effect to an Article 11 arrangement (an arrangement made under Article 11 of the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal). Section 4C provides that the Minister must declare in writing that the agreement or arrangement is an Article 11 arrangement for the purposes of the Act.

Section 13D of the Act prescribes the contents of a set of Article 11 Regulations.

The purpose of the Regulations is to give effect to a bilateral arrangement between Australia and the United Nations Transitional Authority of East Timor on the import of hazardous wastes into Australia. The Minister has declared the bilateral arrangement to be an Article 11 arrangement under Section 4C of the Act.

The Basel Convention establishes a global control system for hazardous wastes being shipped from one country to another. States which are Parties to the Convention must not trade in hazardous wastes with non-Parties but an exception to this is provided for in Article 11 of the Convention, whereby Parties may enter into agreements or arrangements either with other Parties or with non-Parties. These agreements or arrangements can also set out controls which are different from those prescribed by the Convention itself, provided such controls do not reduce the level of environmental protection intended by the Convention.

These Regulations have been developed in consultation with the Hazardous Waste Act Policy Reference Group on which various industry and community groups, and relevant Commonwealth, State and Territory Departments are represented.

The proposed Regulations will provide that those provisions of the Act that relate to the control of hazardous waste will also apply to imports of hazardous waste from East Timor with the exception of subsections 17(8) (which prohibits the import of waste from a country that is not a party to the Basel Convention) and 18B(1) (which prohibits the grant of a Basel permit unless the corresponding requirements of any relevant Article 11 regulations are met).

Details of the Regulations are set out in the Attachment.

The Regulations commenced on gazettal.

## ATTACHMENT

### **Hazardous Waste (Regulation of Exports and Imports) (Imports from East Timor) Regulations 2001**

Details of the Regulations are:

Regulation 1 states the name of these Regulations.

Regulation 2 provides that these Regulations commence on gazettal.

Regulation 3 provides that the Regulations are intended to give effect to the bilateral arrangement *between Australia* and the United Nations Transitional Authority of East Timor.

Regulation 4 defines 'Act' as the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*.

Regulation 5 provides that proposals to import hazardous waste from East Timor are within the scope of the Regulations.

Regulation 6 provides that those provisions of the Act that relate to the control of imports of hazardous waste will also apply to imports of hazardous waste from East Timor under these Regulations. These provisions are sections 12 (applications can be made for import permits) and 13B (applications made must state whether it is a Basel permit or special permit) and Divisions 3 (deals with the grant of Basel permits) and 4 (deals with the revocation, surrender and variation of Basel permits) of Part 2 of the Act. However, subsections 17(8) (the Minister must not grant a Basel import permit authorising the import of hazardous waste from a foreign country that is not a party to the Basel Convention) and 18B(1) (Basel permit may be granted only if the corresponding requirements of Article 11 regulations have been met) have been omitted.

Schedule 1 contains the text of the bilateral arrangement between Australia and the United Nations Transitional Authority of East Timor.