



Hazardous Waste (Regulation of Exports and Imports) Regulations 1996

Statutory Rules 1996 No. 284 as amended

made under the

*Hazardous Waste (Regulation of Exports and Imports)
Act 1989*

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1 Name of Regulations [see Note 1]

These Regulations are the *Hazardous Waste (Regulation of Exports and Imports) Regulations 1996*.

2 Commencement

These Regulations commence on 12 December 1996.

3 Definitions

In these Regulations:

Act means the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*.

recovery operation means an operation mentioned in Part B of Annex IV to the Basel Convention.

Note 1 The following terms are defined in the Act:

- *Basel Convention*
- *Basel export permit*
- *Basel import permit*
- *competent authority*
- *foreign country*
- *hazardous waste*.

Note 2 An expression in these Regulations has the same meaning that it has in the Act: see paragraph 13 (1) (b) of the *Legislative Instruments Act 2003*.

4 Waste that is not household waste

- (1) For the definition of *household waste* in section 4 of the Act, waste mentioned in items B1010, B2020, B3010, B3020 and B3030 of Annex IX (List B) to the Basel Convention is not household waste.

- (2) For subregulation (1), item B3010 is taken to be modified by omitting “a specification:” and inserting “a standard (other than bale properties) not less strict than the standard applicable to the resin type, product type and category of the material, set out in *Scrap Specifications Circular 1998, Guidelines for Plastic Scrap: P-98*, published by the Institute of Scrap Recycling Industries, Inc in 1998:”.

Note 1 The parts of the standard set out in *Scrap Specifications Circular 1998* that apply to materials in item B3010 deal with the following matters about scrap plastic:

- contamination
- hazardous materials
- moisture
- storage.

Note 2 Items B1010, B2020, B3010, B3020 and B3030 of Annex IX (List B) to the Basel Convention, as taken to be modified by subregulation (2), are set out in Schedule 1.

5 Application for Basel export permit — information to be given to foreign country

For subsection 15A (3) of the Act, the Minister must give the competent authority of the foreign country the information mentioned in Annex VA to the Basel Convention.

Note A copy of the English text of the Basel Convention is set out in the Schedule to the Act.

5A Particulars of export of hazardous waste — metal alkyl compounds in hydrocarbons

For paragraph 18A (2) (a) of the Act, the following particulars are specified:

- (a) the hazardous waste to be exported is metal alkyl compounds in hydrocarbons;
- (b) the waste is stored by Basell Australia Pty Ltd, Refinery Road, Corio, Victoria 3214;
- (c) up to 50 tonnes of the waste is to be exported;
- (d) any Basel export permit to authorise the export is to be granted within 18 months of the commencement of this subregulation;

- (e) the waste will be stored in steel transport tanks of 1 500 litre capacity and will be transported by road to the Port of Melbourne;
- (f) at the Port of Melbourne, the tanks containing the waste will be loaded onto ships for export to a disposal facility overseas;
- (g) the waste will be disposed of overseas by:
 - (i) high-temperature incineration; and
 - (ii) repackaging of the residue followed by its disposal in a specially engineered landfill.

5B Particulars of export of hazardous waste — hexachlorobenzene

- (1) For paragraph 18A (2) (a) of the Act, the hazardous waste to be exported is:
 - (a) hexachlorobenzene and process residue related to hexachlorobenzene, being halogenated still bottoms and reaction residues, that is stored and transported in one or more of the following:
 - (i) 100-litre capacity steel drums;
 - (ii) 200-litre capacity steel drums;
 - (iii) 1 000-litre capacity intermediate bulk containers; or
 - (b) hexachlorobenzene and process residue related to hexachlorobenzene, being liquid halogenated still bottoms and reaction residues, that is stored and transported in 17 500-litre capacity iso-containers; or
 - (c) packaging containers that contain residues of, or are contaminated by, hexachlorobenzene and chlorinated hydrocarbons resulting from the storage of hexachlorobenzene, that are stored and transported in 1 000-litre capacity flexible intermediate bulk containers; or
 - (d) construction and demolition waste containing hexachlorobenzene and chlorinated hydrocarbons resulting from the storage of hexachlorobenzene, that are stored and transported in 1 000-litre capacity flexible intermediate bulk containers.

- (2) In addition to subregulation (1), the following further particulars are specified:
- (a) the hazardous waste mentioned in paragraphs (1) (a) to (d) is stored by Orica Australia Pty Ltd, 16-20 Beauchamp Road, Matraville, New South Wales 2036;
 - (b) the waste will be transported by road to Port Botany;
 - (c) at Port Botany, the drums and containers containing the waste will be loaded onto ships for export to a disposal facility in Germany which is a party to the Basel Convention;
 - (d) the waste will be disposed of in Germany by high temperature incineration on land;
 - (e) any Basel export permit to authorise the export is to be granted within 12 months of the commencement of this regulation.

5C Particulars of export of hazardous waste — hexachlorobenzene

For paragraph 18A (2) (a) of the Act, the following particulars are specified:

- (a) the hazardous waste to be exported is:
 - (i) hexachlorobenzene and other chlorinated waste containing chlorinated compounds including carbon tetrachloride, chloroprene, hexachlorobutadiene, hydrochloric acid, octochlorostyrene, perchloroethylene and related polymers, solvents and tars; and
 - (ii) packaging containers that contain residues of, or are contaminated by, hexachlorobenzene and other chlorinated waste; and
 - (iii) construction and demolition waste containing hexachlorobenzene and other chlorinated waste;
- (b) the waste is stored and transported in one or more of the following:
 - (i) 100-litre capacity steel drums;
 - (ii) 200-litre capacity steel drums;
 - (iii) 1 000-litre capacity intermediate bulk containers;

- (c) the waste is stored by Orica Australia Pty Ltd, 16-20 Beauchamp Road, Matraville, New South Wales 2036;
- (d) the waste will be transported by road to Port Botany;
- (e) at Port Botany, the drums and containers containing the waste will be loaded onto ships for export to a disposal facility in Denmark, which is a party to the Basel Convention;
- (f) up to 6 100 tonnes of the waste will be disposed of in Denmark, by high temperature incineration on land;
- (g) any Basel export permit to authorise the export is to be granted by 31 December 2009.

6 Application to vary Basel export permit — information to be given to foreign country

For subsection 28A (2) of the Act, the Minister must give the competent authority of the foreign country the information mentioned in Annex VA to the Basel Convention.

Note A copy of the English text of the Basel Convention is set out in the Schedule to the Act.

7 Approval of recovery facilities

- (1) The Minister may approve, in writing, a facility for the purpose of carrying out recovery operations on hazardous waste imported under Basel import permits granted under the Act.
- (2) The Minister must not approve a facility unless the Minister is satisfied that the facility is capable of carrying out recovery operations on hazardous waste in a manner appropriate to give effect to Australia's obligations under the Basel Convention.

8 Review of decisions

Application may be made under the *Administrative Appeals Tribunal Act 1975* to the Administrative Appeals Tribunal for review of a decision of the Minister refusing to approve a facility under regulation 7.

**Schedule 1 Text of items B1010, B2020,
B3010, B3020 and B3030 as
modified by subregulation
4 (2)**
(regulation 4)

B1010

Metal and metal-alloy wastes in metallic, non-dispersible form:

- Precious metals (gold, silver, the platinum group, but not mercury)
- Iron and steel scrap
- Copper scrap
- Nickel scrap
- Aluminium scrap
- Zinc scrap
- Tin scrap
- Tungsten scrap
- Molybdenum scrap
- Tantalum scrap
- Magnesium scrap
- Cobalt scrap
- Bismuth scrap
- Titanium scrap
- Zirconium scrap
- Manganese scrap
- Germanium scrap
- Vanadium scrap
- Scrap of hafnium, indium, niobium, rhenium and gallium
- Thorium scrap
- Rare earths scrap

B2020

Glass waste in non-dispersible form:

- Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses

B3010

Solid plastic waste:

The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a standard (other than bale properties) not less strict than the standard applicable to the resin type, product type and category of the material, set out in *Scrap Specifications Circular 1998, Guidelines for Plastic Scrap: P-98*, published by the Institute of Scrap Recycling Industries, Inc in 1998:

- Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following¹:
 - ethylene
 - styrene
 - polypropylene
 - polyethylene terephthalate
 - acrylonitrile
 - butadiene
 - polyacetals
 - polyamides
 - polybutylene terephthalate
 - polycarbonates
 - polyethers
 - polyphenylene sulphides
 - acrylic polymers
 - alkanes C10 – C13 (plasticiser)
 - polyurethane (not containing CFC's)
 - polysiloxanes
 - polymethyl methacrylate
 - polyvinyl alcohol

¹ It is understood that such scraps are completely polymerized.

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- polyvinyl butyral
 - polyvinyl acetate
 - Cured waste resins or condensation products including the following:
 - urea formaldehyde resins
 - phenol formaldehyde resins
 - melamine formaldehyde resins
 - epoxy resins
 - alkyd resins
 - polyamides
 - The following fluorinated polymer wastes²
 - perfluoroethylene/propylene (FEP)
 - perfluoroalkoxy alkane (PFA)
 - perfluoroalkoxy alkane (MFA)
 - polyvinylfluoride (PVF)
 - polyvinylidene fluoride (PVDF)

B3020

Paper, paperboard and paper product wastes

The following materials, provided they are not mixed with hazardous wastes:

Waste and scrap of paper or paperboard of:

- unbleached paper or paperboard or of corrugated paper or paperboard
- other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass
- paper or paperboard made mainly of mechanical pulp (for example newspapers, journals and similar printed matter)
- other, including but not limited to
 - laminated paperboard
 - unsorted scrap

² Post-consumer wastes are excluded from this entry.

B3030

Textile wastes

The following materials, provided they are not mixed with other wastes and are prepared to a specification:

- Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
 - not carded or combed
 - other
 - wastes shall not be mixed
 - problems arising from open-burning practices to be considered
- Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
 - noils of wool or of fine animal hair
 - other waste of wool or of fine animal hair
 - waste of coarse animal hair
- Cotton waste (including yarn waste and garnetted stock)
 - yarn waste (including thread waste)
 - garnetted stock
 - other
- Flax tow and waste
 - Tow and waste (including yarn waste and garnetted stock) of true hemp (*Cannabis sativa* L.)
 - Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
- Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus *Agave*
- Tow, noils and waste (including yarn waste and garnetted stock) of coconut
- Tow, noils and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or *Musa textilis* Nee)
- Tow, noils and waste (including yarn waste and garnetted stock) or ramie and other vegetable textile fibres, not elsewhere specified or included

- Waste (including noils, yarn waste and garnetted stock) of man-made fibres
 - of synthetic fibres
 - of artificial fibres
- Worn clothing and other worn textile articles
- Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials
 - sorted
 - other

Note For the meaning of **other wastes** in item B3010, see paragraph 2 of Article 1 of the Basel Convention. The text of the Convention, as it is in force for Australia, is set out in the Schedule to the *Hazardous Wastes (Regulation of Exports and Imports) Act 1989*.

Notes to the *Hazardous Waste (Regulation of Exports and Imports) Regulations 1996*

Note 1

The *Hazardous Waste (Regulation of Exports and Imports) Regulations 1996* (in force under the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*) as shown in this compilation comprise Statutory Rules 1996 No. 284 amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments. From 1 January 2005 the Statutory Rules series ceased to exist and was replaced with Select Legislative Instruments (SLI series). Numbering conventions remain the same, ie Year and Number.

Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
1996 No. 284	12 Dec 1996	12 Dec 1996	
2001 No. 203	2 Aug 2001	2 Aug 2001	—
2003 No. 83	8 May 2003	8 May 2003	—
2005 No. 20	1 Mar 2005 (see F2005L00156)	2 Mar 2005	—
2005 No. 253	15 Nov 2005 (see F2005L03452)	16 Nov 2005	—
2007 No. 34	2 Mar 2007 (see F2007L00553)	3 Mar 2007	—
2008 No. 231	2 Dec 2008 (see F2008L04513)	3 Dec 2008	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 1	rs. 2001 No. 203
Heading to r. 3	rs. 2001 No. 203
R. 3	am. 2001 No. 203
Note to r. 3	rep. 2007 No. 34
Note 1 to r. 3	ad. 2007 No. 34
Note 2 to r.3	ad. 2007 No. 34
R. 4	rs. 2001 No. 203
R. 5A.....	ad. 2001 No. 203 rs. 2003 No. 83; 2005 No. 20 am. 2005 No. 253
R. 5B.....	ad. 2001 No. 203 rep. 2003 No. 83 ad. 2007 No. 34
R. 5C.....	ad. 2008 No. 231
R. 8	am. 2007 No. 34
Schedule 1	rs. 2001 No. 203
