



# **Hazardous Waste (Regulation of Exports and Imports) Regulations 1996**

**Statutory Rules No. 284, 1996**

made under the

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

## **Compilation No. 11**

<b>Compilation date:</b>	1 July 2017
<b>Includes amendments up to:</b>	F2017L00788
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Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Hazardous Waste (Regulation of Exports and Imports) Regulations 1996* that shows the text of the law as amended and in force on 1 July 2017 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## 1 Name of Regulations

These Regulations are the *Hazardous Waste (Regulation of Exports and Imports) Regulations 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 *Legislation 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: The Basel Convention is in Australian Treaty Series 1992 No. 7 ([1992] ATS 7) and could in 2017 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

### **5A Export particulars—hexachlorobenzene**

The following particulars are specified for the purposes of paragraph 18A(2)(a) of the Act:

- (a) the hazardous waste to be exported is hexachlorobenzene and other chlorinated waste that contains hexachlorobenzene;
- (b) up to 135 tonnes of the waste is to be exported to Finland, which is a party to the Basel Convention, for disposal;
- (c) the waste is stored by Orica Australia Pty Ltd of 16-20 Beauchamp Road, Matraville, New South Wales 2036;
- (d) the waste is stored in 200 litre steel drums contained within 20 foot shipping containers;
- (e) the drums and containers are to be transported by road to Port Botany, New South Wales, where they are to be loaded onto ships for export to a facility in Finland;
- (f) the waste is to be disposed of in the facility by high temperature incineration on land.

## **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: The Basel Convention is in Australian Treaty Series 1992 No. 7 ([1992] ATS 7) and could in 2017 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

## **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.

## 9 Requests for further information

- (1) This regulation applies to a person if:
  - (a) the person makes a permit application or a variation application; and
  - (b) the Minister gives the person a request under section 15 or 28 of the Act in relation to the application.
- (2) The person must comply with the request before the later of the following times:
  - (a) the end of 30 days after the request is given;
  - (b) if the Minister, by written notice to the person, allows a longer period—the end of that longer period.
- (3) If the person does not comply with the request before that time, the application is taken to be withdrawn at that time.
- (4) Applications may be made to the Administrative Appeals Tribunal for review of decisions of the Minister under paragraph (2)(b) to refuse to allow a longer period for a request to be complied with.

## **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 following<sup>1</sup>:
  - 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
  - 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 wastes<sup>2</sup>
  - perfluoroethylene/propylene (FEP)

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<sup>1</sup> It is understood that such scraps are completely polymerized.

<sup>2</sup> Post-consumer wastes are excluded from this entry.

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- 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

### **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 Basel Convention is in Australian Treaty Series 1992 No. 7 ([1992] ATS 7) and could in 2017 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

## Endnotes

Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnotes

### Endnote 3—Legislation history

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### Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and 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 (F2005L00156)	2 Mar 2005	—
2005 No. 253	15 Nov 2005 (F2005L03452)	16 Nov 2005	—
2007 No. 34	2 Mar 2007 (F2007L00553)	3 Mar 2007	—
2008 No. 231	2 Dec 2008 (F2008L04513)	3 Dec 2008	—
2010 No. 229	22 July 2010 (F2010L02115)	23 July 2010	—
74, 2014	16 June 2014 (F2014L00723)	17 June 2014	—

Name	Registration	Commencement	Application, saving and transitional provisions
Acts and Instruments (Framework Reform) (Consequential Amendments) Regulation 2016	29 Feb 2016 (F2016L00170)	Sch 1 (item 20): 5 Mar 2016 (s 2(1) item 1)	—
Hazardous Waste (Regulation of Exports and Imports) Amendment (Hexachlorobenzene) Regulation 2016	2 Sept 2016 (F2016L01383)	Sch 1 (item 1): 3 Sept 2016 (s 2(1) item 1)	—
Hazardous Waste (Regulation of Exports and Imports) Legislation Amendment (2017 Measures) Regulations 2017	29 June 2017 (F2017L00788)	Sch 1 (items 6–9): 1 July 2017 (s 2(1) item 1)	—

## Endnote 4—Amendment history

## Endnote 4—Amendment history

Provision affected	How affected
r 1 .....	rs 2001 No 203
r 2 .....	rep LA s 48D
r 3 .....	am 2001 No 203; 2007 No 34; F2016L00170
r 4 .....	rs 2001 No 203
r 5 .....	am F2017L00788
r 5A .....	ad 2001 No 203
	rs 2003 No 83; 2005 No 20
	am 2005 No 253
	rs No 74, 2014; F2016L01383
r 5B.....	ad 2001 No 203
	rep 2003 No 83
	ad 2007 No 34
	rep No 74, 2014
r 5C.....	ad 2008 No 231
	am 2010 No 229
	rep No 74, 2014
r 6 .....	am F2017L00788
r 8 .....	am 2007 No 34
r 9 .....	ad F2017L00788
<b>Schedule 1</b>	
Schedule 1 .....	rs 2001 No 203
	am F2017L00788