

Hazardous Waste (Regulation of Exports and Imports) (Fees) Amendment Regulations 1999 (No. 1) 1999 No. 6

EXPLANATORY STATEMENT

Statutory Rules 1999 No. 6

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) (Fees) Amendment Regulations 1999 (No. 1)

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 32 of the Act states that regulations may prescribe fees, not exceeding \$8,000, to be paid in relation to applications and notices given to the Minister under the Act or under regulations under the Act, for proposed exports, imports or transits of hazardous wastes. The fees must be reasonably related to the expenses incurred or to be incurred by the Commonwealth.

Fees are prescribed in the *Hazardous Waste (Regulation of Exports and Imports) (Fees) Regulations (Amendment) Statutory Rules No 285*. The purpose of the amendments was to allow fees to be charged for applications and notices required for proposed imports or transits of hazardous waste under the Waigani Convention at the level of fees currently specified for "special" permits under the principal Regulations. Under the principal Regulations, specific provision has been made for fees to be charged in respect of OECD special permits only. To avoid having to amend the fees regulations every time a new set of regulations is drafted, the Statutory Rules have been amended to generally cover all types of special permits, that is, permits for all bilateral arrangements.

As the fees for special permits were not expected to vary with each set of bilateral arrangements, the amendments to these Regulations in no way alter the level of fees charged for special permits under these Statutory Rules. Fees for special permits were based on recent cost recovery estimates, and are reasonably related to the expenses incurred or to be incurred by the Commonwealth in processing applications under the OECD Council Decision, the Waigani Convention or any other bilateral arrangements.

Details of the Regulations are as follows.

Regulation 1 provides for the name of the Regulations to be the *Hazardous Waste (Regulation of Exports and Imports) (Fees) Amendment Regulations 1999 (No. 1)*.

Regulation 2 provides that the Regulations commence on gazettal.

Regulation 3 states that the Regulations amend the Hazardous Waste (Regulation of Exports and Imports) (Fees) Regulations 1990 as set out in the amended Schedule 1 to allow for the charging of fees for special permits other than OECD special permits.

Schedule 1, Item 1 changes the name of the Regulations by referring to the year in which the

Statutory Rules commenced in accordance with the current drafting practice of the Attorney

General's Department.

Schedule 1, Item 2 omits those definitions which specifically apply to the OECD Council Decision so that the Regulations now apply generally to all special permits made under Sections 62, 13C and 13D of the Act.

Schedule 1, Items 3 - 6 are consequential amendments to Schedule 1, Item 2 and omit all references to the terms deleted under that Item. These Items also amend headings and text which make specific reference to the OECD Council Decision to allow for a more general interpretation of the Regulations so that fees can be charged for all future special permits including those issued under *the* Waigard Convention as well as the OECD Council Decision. Under this Item, specific reference has been made to "a facility approved as a recovery facility under Regulation 42 of the Hazardous Waste (Regulation of Exports and Imports) (OECD Decision) Regulations" as it is unlikely that such approved recovery facilities will be relevant to any other set of special permit Regulations.