

EXPLANATORY STATEMENT

Select Legislative Instrument 2005 No. 20

ISSUED BY 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) Amendment Regulations 2005
(No. 1)

Subsection 62(1) of the Hazardous Waste (Regulation of Exports and Imports) Act 1989 (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Act implements Australia's obligations under the Basel Convention, an international treaty set up to control the movement of hazardous waste from one country to another.

Paragraph 18A(2)(a) of the Act states that the Minister may grant a Basel Export Permit authorising the export of hazardous waste destined for final disposal if, at the time of the decision to grant the permit, particulars of the export are specified in the regulations. Specification of these particulars by regulation is a prerequisite to the Minister's decision-making process.

The purpose of the Regulations is to specify the particulars of two proposed exports of hazardous waste, one of 15 tonnes to Belgium and the other of 50 tonnes to the Netherlands, for final disposal. The hazardous waste consists of a solution containing potentially explosive compounds which cannot be disposed of in an environmentally sound manner within Australia.

Details of the Regulations are set out in the Attachment.

The Regulations commence on the day after they are registered.

Hazardous Waste (Regulation of Exports and Imports) Amendment Regulations 2005
(No. 1)

Details of the Regulations are:

Regulation 1 provides that the name of these Regulations is the Hazardous Waste (Regulation of Exports and Imports) Amendment Regulations 2005 (No. 1).

Regulation 2 provides that these Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.

Regulation 3 provides for Schedule 1 to amend the Hazardous Waste (Regulation of Exports and Imports) Regulations 1996.

Schedule 1 item [1] substitutes a new regulation 5A, which provides particulars of the nature of the hazardous waste proposed for export, present storage arrangements, the quantity, the nature of the containers in which the waste stored and will be transported, the ports of loading and unloading and the addresses of the facilities in Belgium and the Netherlands where the waste will be disposed of by high temperature incineration followed by disposal of all solid residues into specially engineered landfills. The existing regulation 5A describes a shipment which has now occurred. This regulation is now redundant and may be replaced with particulars of proposed shipments.