EXPLANATORY STATEMENT

Select Legislative Instrument 2005 No. 253

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. 2)

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 a proposed export of hazardous waste, of 50 tonnes to Germany, 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.

The Office of Regulatory Review was consulted in the making of these Regulations and they advised that no Regulation Impact Statement was required.

Stakeholders, including state and territory environment departments, the Hazardous Waste Technical Group and the Hazardous Waste Policy Reference Group were advised in the early 2001 that there would be a need to move this waste at regular intervals in the future. At their regular meetings, stakeholders are provided with a list of permits that are under consideration, granted or refused.

The making of these Regulations is also intended to make the process of deciding what are 'exceptional circumstances' totally transparent.

Details of the Regulations are set out in the Attachment.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.

ATTACHMENT

Hazardous Waste (Regulation of Exports and Imports) Amendment Regulations 2005 (No. 2)

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. 2)*.

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 type of the containers in which the waste will be stored and transported, the port of loading and how the facility overseas will dispose of the waste. The existing regulation 5A describes shipments which did not proceed as the applications were withdrawn. This regulation is now redundant and will be replaced with particulars of the proposed shipments.