

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2010 No. 229**

#### **ISSUED BY AUTHORITY OF THE MINISTER FOR ENVIRONMENT PROTECTION, HERITAGE AND THE ARTS**

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

*Hazardous Waste (Regulation of Exports and Imports) Amendment  
Regulations 2010 (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 on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, an international treaty set up to control the movement of hazardous waste from one country to another.

Under subsection 18A(2) of the Act, the Minister for Environment Protection, Heritage and the Arts (the Minister) may grant a 'Basel' export permit authorising the export of hazardous waste destined for final disposal if (a) at the time of the decision to grant the permit, particulars of the export are specified in the regulations and (b) the Minister is satisfied that there are exceptional circumstances for granting the permit.

Regulation 5C of the *Hazardous Waste (Regulation of Exports and Imports) Regulations 1996* (the Principal Regulations) specifies the particulars of a proposed export of hexachlorobenzene and other chlorinated waste and packaging containers, construction and demolition waste containing hexachlorobenzene and other chlorinated waste from Port Botany. The proposed export would be for up to 6,100 tonnes, to be disposed of in a high temperature incineration facility on land in Denmark.

The purpose of these Regulations is to omit paragraph 5C(g) from the Principal Regulations which currently provides that any Basel export permit to authorise the export is to be granted by 31 December 2009. As the timeframe for a decision on the grant of a permit is dependent on the authorities of the recipient country, which cannot be determined by Australia, the purpose of the amendment is to remove this time limit to provide appropriate flexibility.

Consultation on the Regulations is not required as the amendments are of a machinery nature and do not substantially alter existing arrangements.

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

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