



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

**Statutory Rules No. 284, 1996 as amended**

made under the

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

**Compilation start date:** 17 June 2014

**Includes amendments up to:** SLI No. 74, 2014

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* as in force on 17 June 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 17 June 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

### **Uncommenced amendments**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

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

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

### **Modifications**

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

### **Provisions ceasing to have effect**

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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## Contents

1	Name of Regulations .....	1
2	Commencement.....	1
3	Definitions.....	1
4	Waste that is not household waste .....	1
5	Application for Basel export permit—information to be given to foreign country .....	2
5A	Export particulars—hexachlorobenzene .....	2
6	Application to vary Basel export permit—information to be given to foreign country .....	3
7	Approval of recovery facilities .....	3
8	Review of decisions.....	3

### **Schedule 1—Text of items B1010, B2020, B3010, B3020 and B3030 as modified by subregulation 4(2)**

4

### **Endnotes**

9

**Endnote 1—About the endnotes**

9

**Endnote 2—Abbreviation key**

11

**Endnote 3—Legislation history**

12

**Endnote 4—Amendment history**

13

**Endnote 5—Uncommenced amendments [none]**

14

**Endnote 6—Modifications [none]**

14

**Endnote 7—Misdescribed amendments [none]**

14

**Endnote 8—Miscellaneous [none]**

14



## 1 Name of Regulations

These Regulations are the *Hazardous Waste (Regulation of Exports and Imports) Regulations 1996*.

## 2 Commencement

These Regulations commence on 12 December 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 Legislative Instruments 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*:

## Regulation 5

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*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: A copy of the English text of the Basel Convention is set out in the Schedule to the Act.

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

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

- (a) the hazardous waste to be exported is hexachlorobenzene and other chlorinated waste, including hexachlorobutadiene, hexachloroethane and octachlorostyrene;
- (b) up to 132 tonnes of the waste (comprising 111 tonnes of hexachlorobenzene and 21 tonnes of packaging and pallets) is to be exported to France, 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 France;
- (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: A copy of the English text of the Basel Convention is set out in the Schedule to the Act.

## **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.

## **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

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

- 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)
  - 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

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

### **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 text of the Convention, as it is in force for Australia, is set out in the Schedule to the *Hazardous Wastes (Regulation of Exports and Imports) Act 1989*.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes  
Endnote 2—Abbreviation key  
Endnote 3—Legislation history  
Endnote 4—Amendment history  
Endnote 5—Uncommenced amendments  
Endnote 6—Modifications  
Endnote 7—Misdescribed amendments  
Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

### Abbreviation key—Endnote 2

The abbreviation key in this endnote 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 the compiled law. The information includes commencement information for amending laws and details of 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 level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

### Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

## Endnotes

Endnote 1—About the endnotes

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### **Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

### **Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

### **Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

**Endnote 2—Abbreviation key**

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

## 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 ( <i>see</i> F2005L00156)	2 Mar 2005	—
2005 No. 253	15 Nov 2005 ( <i>see</i> F2005L03452)	16 Nov 2005	—
2007 No. 34	2 Mar 2007 ( <i>see</i> F2007L00553)	3 Mar 2007	—
2008 No. 231	2 Dec 2008 ( <i>see</i> F2008L04513)	3 Dec 2008	—
2010 No. 229	22 July 2010 ( <i>see</i> F2010L02115)	23 July 2010	—
74, 2014	16 June 2014 ( <i>see</i> F2014L00723)	17 June 2014	—



## Endnote 4—Amendment history

**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
r. 1 .....	rs. 2001 No. 203
Heading to r. 3 .....	rs. 2001 No. 203
r. 3 .....	am. 2001 No. 203
Note to r. 3 .....	rep. 2007 No. 34
Note 1 to r. 3 .....	ad. 2007 No. 34
Note 2 to r.3 .....	ad. 2007 No. 34
r. 4 .....	rs. 2001 No. 203
r. 5A .....	ad. 2001 No. 203
	rs. 2003 No. 83; 2005 No. 20
	am. 2005 No. 253
	rs No 74, 2014
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. 8 .....	am. 2007 No. 34
Schedule 1 .....	rs. 2001 No. 203

## Endnotes

Endnote 5—Uncommenced amendments [none]

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**Endnote 5—Uncommenced amendments [none]**

**Endnote 6—Modifications [none]**

**Endnote 7—Misdescribed amendments [none]**

**Endnote 8—Miscellaneous [none]**