

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

In accordance with section 61 of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*, this report covers the operation of the Act from 1 July 2003 to 30 June 2004.

### Object of the Act

The object of the Act is to regulate the export and import of hazardous waste to ensure that exported or imported hazardous waste is disposed of safely so that human beings and the environment, both within and outside Australia, are protected from the harmful effects of the waste.

The Act was developed to enable Australia to comply with specific obligations under the Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes and their Disposal, by regulating the export and import of hazardous waste.

The Act was amended in 1996 to better align the scope of the Act with that of the Basel Convention, enabling Australia to meet all its obligations under the Convention. The period 2003–04 covers the seventh full year in which the amended legislation has been in force.

### The Basel Convention

The Basel Convention was developed by the United Nations Environment Programme and adopted on 22 March 1989. It imposes two kinds of obligations on members:

- specifically, to control the export and import of hazardous and other wastes (other wastes being household wastes or incinerator residues), to provide for notification and consent, as required by the convention, and to track shipments to environmentally sound disposal; and

- more generally, to minimise the movement and generation of hazardous and other wastes, and ensure that hazardous wastes are disposed of in an environmentally sound manner.

Australia ratified the convention on 5 February 1992 and it entered into force on 5 May 1992. The sixth meeting of the Conference of the Parties to the Convention was between 9 and 13 December 2002.

## Regulations

Regulations made under the Act provide for:

- the setting of fees for permit applications;
- the operation of arrangements under Article 11 of the convention (which allows transboundary movements to take place between parties and non-parties or under modified control procedures); and
- general administrative arrangements required by the Act.

## Permits

In 2003–04 the Department assessed 18 applications for permits to import and export hazardous wastes. Sixteen permits were granted (nine for export and seven for imports), and two applications were refused. All permit applications were processed within the statutory timeframes. Tables 1 to 6 show details of permit applications received in 2003–04, including those not resolved by the end of the year.


## Fee income

During the year \$30 000 was received in fee income. Fees are set to recover the costs of administration, in line with government policy.

## Contraventions, enforcement and suspension of permits

Enforcement action during the year included the seizure and auditing of shipments of electronic waste. The Department is now working with industry to enhance controls on electronic scrap exports, including developing a process to determine whether used electronic equipment should be managed as waste under the Act.

The Department referred two cases to the Australian Federal Police for investigation. The Director of Public Prosecutions advised he would not proceed in one case, and was still considering the second as at 30 June 2004.



The Department worked to improve compliance with the Act, including by clarifying the status of three substances and strengthening intelligence links with industry and other government agencies.

## **Administrative Appeals Tribunal**

On 14 July 2003, ARV International Pty Ltd lodged an application with the Administrative Appeals Tribunal for a review of the decision from the Minister ordering ARV International Pty Ltd to deal with imported hazardous waste in Australia. On 12 January 2004, the tribunal advised that the applicants had withdrawn their appeal and the matter was dismissed.

On 15 January 2003, the Secretary of the Department asked to be made a party to the proceedings between the parties Berjak Nominees Vic. Pty Ltd and the Chief Executive Officer of the Australian Customs Service. The decision under review is a decision of the Australian Customs Service to cancel the export authority in respect of certain goods. On 23 May 2004, a stay order was granted by the Administrative Appeals Tribunal, and as at 30 June 2004, the stay order was still in force.

## **Freedom of information**

There was one application under the *Freedom of Information Act 1982* for access to documents relating to the grant of an export permit to Exide Australia. Full access was granted on 27 November 2003.

## **Publications**

Under section 33 of the Act, particulars of all applications, permits and variations were published in the *Commonwealth of Australia Government Notices Gazette*.

Table 1: Export permits granted in 2003–04

| Applicant                           | Quantity (tonnes) | Period of permit                | Type of waste, disposal operation and destination   |
|-------------------------------------|-------------------|---------------------------------|---|
| Caltex Refineries (Qld) Ltd         | 20                | 24 July 2003 – 14 March 2004    | Leaded antiknock compound sludge from Queensland for recycling/reclamation of metals and metal compounds at Associated Octel Co Ltd, Oil Sites Road, Ellesmere Port, Chester CH 65 4HF, United Kingdom.                                 |
| Exide Australia Pty Ltd             | 12 000            | 12 August 2003 – 12 August 2004 | Waste comprising lead acid batteries, whole or crushed, for recycling/reclamation of metals and metal compounds at Exide New Zealand, Wainone Street, Petone, New Zealand.  |
| Qenos Pty Ltd                       | 15                | 29 August 2003 – 31 March 2004  | Aluminium alkyls and non-halogenated solvents from Victoria for incineration on land and depositing the ash resulting from the incineration into specially engineered landfill at Indaver NV, Poldervlietweg, B-2030, Antwerp, Belgium. |
| BP Refinery (Kwinana) Pty Ltd       | 200               | 29 August 2003 – 30 June 2004   | Motor fuel antiknock mixture from Western Australia for recycling/reclamation of metals and metal compounds at Associated Octel Co Ltd, Oil Sites Road, Ellesmere Port CH65 4HF, South Wirral, United Kingdom.                          |
| AGR Matthey                         | 60                | 13 November 2003 – 31 July 2004 | Waste precious metal sweeps containing lead from Western Australia for recycling/reclamation of metals and metal compounds at Norddeutsche Affinerie AG, Hovestrasse 50, D20539, Hamburg, Germany.                                      |
| BP Refinery (Bulwer Island) Pty Ltd | 3                 | 14 January 2004 – 1 July 2004   | Waste palladium catalyst containing arsenic and mercury from Queensland for recycling/reclamation of metals and metal compounds at Umicore Precious Metals, A. Greinerstraat 14, B-2660 Hoboken, Belgium.                               |

Table 1 continued...

| Applicant                                 | Quantity (tonnes) | Period of permit                    | Type of waste, disposal operation and destination  |
|---|-------------------|-------------------------------------|--|
| MacDermid Australia                       | 164               | 23 February 2004 – 22 December 2004 | Copper ammonium chloride from New South Wales, Queensland, South Australia, Victoria, and Western Australia for recycling/reclamation of metals and metal compounds at ChemWaste Limited, 15 Waokauri Place, Mangere, New Zealand. |
| SAFT NIFE Power Systems Australia Pty Ltd | 240               | 24 February 2004 – 30 November 2004 | Used nickel cadmium batteries from New South Wales for recycling/reclamation of metals and metal compounds at SAFT NIFE AB, S-57201 Oskarshamn, Sweden.  |
| Umicore Australia Limited                 | 2000              | 6 May 2004 – 30 September 2004      | Waste zinc ashes and residues from Victoria for recycling/reclamation of metals and metal compounds at Umicore Oxyde Belgium n.v, Industriezone, Lummen Zuid, B-3550 Heusden, Zolder, Belgium.                                     |

Table 2: Import permits granted in 2003-04

| Applicant                                     | Quantity (tonnes) | Period of permit                      | Type of waste, disposal operation and destination   |
|---|-------------------|---------------------------------------|---|
| Hydromet Operations Limited                   | 200               | 7 August 2003 – 31 July 2004          | Selenium and precious metals from Norway for recycling/reclamation of metals and metal compounds at MinMet Operations Pty Ltd, 25 School Drive, Tomago, New South Wales.  |
| Wastemaster (Division of Brambles Aust. Ltd.) | 60                | 30 September 2003 – 30 September 2004 | Lithium sulphur dioxide batteries from East Timor for physico-chemical treatment that results in final compounds or mixtures which are discarded by means of various disposal operations at Cleanaway Technical Services, 20 George Street, Wingfield, South Australia. |

Table 2 continued...

| Applicant                        | Quantity (tonnes)           | Period of permit                    | Type of waste, disposal operation and destination  |
|----------------------------------|-----------------------------|-------------------------------------|--|
| Sims Aluminium                   | 3000                        | 13 October 2003 – 13 October 2004   | Aluminium ashes and residues from New Zealand for recycling/reclamation of metals and metal compounds at Sims Aluminium, Little Boundary Road, Laverton, Victoria.   |
| Beaufort Shipping Agency Company | 11 600 litres and 60 tonnes | 19 November 2003 – 19 November 2004 | Household wastes from the French Dumont D'Urville Station in Antarctica to Tasmania for deep burial at McRobies Gully landfill, Hobart, for recycling of glass, cans and waste oils, and for incineration of high risk items at the Hobart Marine Board incinerator. |
| Simsmetal Limited                | 500                         | 13 December 2003 – 13 December 2004 | Spent lead acid batteries from Papua New Guinea for recycling/reclamation of metals and metal compounds at Little Boundary Road, Laverton North, Victoria.   |
| Sims Group Limited               | 2000                        | 5 March 2004 – 1 January 2005       | Spent lead acid batteries from New Zealand for recycling/reclamation of metals and metal compounds at either Little Boundary Road, Laverton North, Victoria, or 202–212 Euston Road, Alexandria, New South Wales.  |
| Simsmetal Limited                | 100                         | 11 March 2004 – 11 March 2005       | Spent lead acid batteries from New Caledonia for recycling/reclamation of metals and metal compounds at either Little Boundary Road, Laverton North, Victoria, or 202–212 Euston Road, Alexandria, New South Wales.  |

Table 3: Variations to import permits granted in 2003-04

| Applicant                                    | Quantity (tonnes) | Period of permit                  | Type of waste, disposal operation and destination  |
|--|-------------------|-----------------------------------|--|
| Sims Aluminium Pty Limited                   | 3000              | 4 April 2003 – 15 September 2003  | Vary permit granted on 15 September 2002 to change the primary disposal facility from Sims Aluminium Pty Limited, 80 Buckley Grove, Moolap, Victoria, to Sims Aluminium, 17-19 Little Boundary Road, Laverton North, Victoria.   |
| Wastemaster (Division of Brambles Aust. Ltd) | 60                | 15 April 2004 – 30 September 2004 | Vary permit granted on 30 September 2003 to change the location for the processing of the lithium batteries from the company's site in Wingfield, South Australia to a site operated by Toxfree Solutions, Eli Eco Logic Pty Ltd located at Lot 4, Mason Road, Kwinana, Western Australia. |

Table 4: Export applications received but not resolved by 30 June 2004

| Applicant                             | Quantity (tonnes) | Date received and status       | Type of waste, disposal operation and destination   |
|---------------------------------------|-------------------|--------------------------------|---|
| HMR Australia Pty Ltd                 | 150               | 12 August 2003<br>s.15 request | Waste printed circuit boards containing lead from Victoria for recycling/ reclamation of metals and metal compounds at Citiraya Industries Pty Ltd, 65 Tech Park Crescent, Singapore 637787.  |
| Tomago Aluminium Company Pty. Limited | 22 000            | 5 May 2004<br>Processing       | Spent pot linings residue contaminated with cyanides from New South Wales for accumulation of material intended for another disposal operation, followed by recycling/reclamation of other inorganic materials at Selca S.p.A., 22 Via Milano, Pisogne (Bs) 25055, Italy. |

Table 4 continued...

| Applicant                           | Quantity (tonnes) | Period of permit            | Type of waste, disposal operation and destination   |
|-------------------------------------|-------------------|-----------------------------|---|
| Fuji Xerox Australia Pty Limited    | 414               | 5 January 2004-s.15 request | Waste electrical and electronic scrap from New South Wales for accumulation of material intended for another disposal operation, followed by recycling/reclamation of metal compounds, and recycling/reclamation of other inorganic compounds at Fuji Xerox Eco-manufacturing Co. Ltd, 175 Sathom City Tower 16/1 Floor, South Sathom Road, Tungmahamek, Sathom, Bangkok 10120, Thailand. |
| Exide Australia Pty Ltd             | 36 000            | 4 May 2004<br>Processing    | Waste comprising lead acid batteries, whole or crushed, for recycling/reclamation of metals and metal compounds at Exide New Zealand, Wainone Street, Petone, New Zealand.  |
| BP Refinery (Bulwer Island) Pty Ltd | 110               | 10 May 2004<br>Processing   | Spent cobalt/molybdenum and nickel/molybdenum catalyst from Queensland for recycling/reclamation of metals and metal compounds at Aura Metallurgie GmbH, Am Ernst-Schacht 3, 06311 Helbra, Germany.   |
| PWT Australasia Pty Ltd             | 80                | 3 June 2004<br>Processing   | Lead and lead compounds from Victoria for recycling/reclamation of metals and metal compounds at Hydrometal S.A., Zoning Industriel D'Ehein 8-4480, Engis, Belgium.   |

Table 5: Import applications refused 2003–04

| Applicant      | Quantity (tonnes) | Date refused    | Type of waste, disposal operation and destination  |
|----------------|-------------------|-----------------|--|
| Collex Pty Ltd | 400               | 7 November 2003 | Waste mineral oil and petroleum hydrocarbons for accumulation of material intended for any operations numbered R1 to R12 at Collex Pty Ltd, 37 Grand Avenue, Camellia, New South Wales; followed by use as a fuel (other than in direct incineration) or other means to generate energy at Macquarie Generation's facilities at Bayswater Power Station, New England Highway, Muswellbrook, New South Wales, or Liddell Power Station, New England Highway, Muswellbrook, New South Wales. |

Table 6: Export applications refused 2003–04

| Applicant               | Quantity (tonnes) | Date refused | Type of waste, disposal operation and destination   |
|-------------------------|-------------------|--------------|---|
| PWT Australasia Pty Ltd | 60                | 4 March 2004 | Lead and lead compounds from Victoria for recycling/reclamation of metals and metal compounds at Hydrometal South Australia, Zoning Industriel D'Ehein, 8-4480, Engis, Belgium. |