

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

The Act and its 1996 amendments enable Australia to meet its obligations under the Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes and their Disposal. The Basel Convention regulates the international movements of hazardous wastes.

Basel Convention

The Basel Convention was developed by the United Nations Environment Program and adopted on 22 March 1989. Australia ratified the convention on 5 February 1992 and it entered into force on 5 May 1992. The convention 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 Basel Convention, and to track shipments to environmentally sound disposal
- 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.

Purpose of the Act

The purpose of the Act is to regulate the export, import, transit and disposal of hazardous waste.

Operational aspects of the Act

Permits

The Act establishes a permit system to enable Australia to meet its international obligations under the Basel Convention. In 2007–08 the department processed 33 applications for permits to import and export hazardous wastes (23 exports and 10 imports). Four permits were granted, six applications were refused and one export permit application was withdrawn; 22 applications were still to be resolved as at 30 June 2008.

All permit applications were processed within the statutory timeframes. Details of permit applications received in 2007–08, including those not resolved by 30 June, are presented in the following tables.

Revenue

For the purposes of section 32 of the Act, there are prescribed fees for the lodgment of permit applications.

Permit fees

Type of fees	Fee
Application for Basel Export permit	\$4,440 per application
Application for Basel Import permit	\$270 per application
Notification of transit country	\$110 per transit country
Application to vary Basel export permit	\$370 per export application
Application to vary Basel import permit	\$210 per import application
Application to vary transit permit	\$110
Application for special export permit	\$480 per application
Application for special import permit	\$270 per application
Notification of transit country	\$110 per transit country
Application to vary special export permit	\$270
Application to vary special export permit	\$110
Application to vary a special transit permit	\$110

The department received \$24,240 during 2007–08 from the processing of these applications

Regulation

Regulations made under the Act provide for:

- setting fees for permit applications
- the operation of arrangements under Article 11 of the Basel Convention, which allows transboundary movements of waste between parties and non-parties or under modified control procedures
- general administrative arrangements required by the Act.

Compliance

The department strengthened its enforcement activities and acted to prevent illegal traffic in hazardous waste. Enforcement action this year included seizing illegal shipments of electronic waste and used lead acid batteries.

Freedom of Information

No requests were received under the *Freedom of Information Act* 1982.

Administrative Appeals Tribunal

No applications under section 57 of the Act, for review of a decision made by the minister, were received by the Administrative Appeals Tribunal.