

## **ACOR Policy Statement**

### **Regulations on the Movements of Hazardous Waste (V1)**

#### **Introduction**

The *Hazardous Waste (Regulation of Exports and Imports) Act 1989* (the Act) is the central piece of legislation that regulates the export and import of hazardous waste in Australia. The Act ensures that hazardous waste is disposed of safely so that human beings and the environment are protected within and outside Australia. The Act was amended in 1996 after Australia became the signatory to the Basel Convention. It was amended to include waste that possesses financial value, usually destined for recycling and recovery operations.

#### **Policy principles**

ACOR advocates the following principles in the reform of the Act, regulations, and non- regulatory changes:

1. ACOR supports a full cost recovery on export permit applications with extra built in to fund resources for auditing, investigation and enforcement action.
2. The limit of \$8,000 (in 1989 dollars) for each charge of permit fees under the current legislation should be updated and should include indexation. A weight- based charging (per tonne) for export permits can be considered in the review of cost recovery arrangement.
3. Transboundary prescribed countries should also have substantial fees to avoid waste simply disappearing in those countries
4. The OECD should not be used as the reference as it has expanded to a point where the countries without adequate environmental standards are in place, including some countries (e.g. Mexico) where the waste industry is run by organized crime.
5. Ban on hazardous waste exports while domestic options for hazardous waste recovery or recycling are available.
6. Introduction of hazardous waste levies, including a Commonwealth export levy or charge for international movements to reduce economic incentives to export hazardous waste.
7. Part of the levy revenue should be reinvested in the domestic hazardous waste resource recovery industry to encourage hazardous waste to be processed domestically and comply with strict social and environmental standards.
8. Part of the levy revenue should be allocated to increase education of customs officials, additional inspections and enforcement.
9. Penalties for breaching the Act should be mandated and of sufficient size to provide a strong commercial disincentive for illegal export and include the introduction of civil and criminal penalties including imprisonment for repeat offenders.

10. The Act should recognise bans imposed in other countries on hazardous waste imports and exports.
11. The definitions and the distinction between waste and product should be tightened as some rogue hazardous waste generators claim their waste as a 'product' to avoid getting an export permit to export their waste overseas.
12. Increase effort on permit compliance and enforcement, including the introduction of civil penalties.
13. Increase policing and strengthen cooperation between departments, including Department of Environment, Australian Customs and Border Protection Service and Australian Maritime Safety Authority on transboundary movements.
14. Strengthen cooperation between jurisdictions on interstate movements and stockpiling/ illegal dumping.
15. Provision of national information on the capacity of, and needs for hazardous waste infrastructure in Australia, on an ongoing basis.
16. An agreed nationally consistent arrangement for hazardous waste data collection and reporting system, based on consistent definitions and classifications.
17. A nationally consistent hazardous waste tracking system for monitoring inter and intra- state movements.
18. A nationally consistent approach to landfill bans or conditional disposal restrictions for metropolitan areas to support product stewardship.