Australian Customs Notice 1998 20

**CONTROLS ON TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTE**

# Requirement for Permit for Export or Import of Hazardous Waste

Exporters and importers of hazardous waste need to determine whether or not they require a permit from Environment Australia before shipments of such waste take place.

Amendments to Australia's legislation controlling international movements of hazardous waste to, from and through this country came into effect in December 1996. This legislation regulates not only hazardous wastes destined for final disposal (for example, by incineration or landfill), but also hazardous wastes destined for recovery or recycling operations, even if someone is willing to pay for the waste.

The controls are detailed in the Hazardous Waste (Regulation of Exports and Imports) Act 1989 (the Act) as amended in 1996. The Act enables Australia to meet its international obligations under the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal.

# Obtaining a Permit for Export or Import of Hazardous Waste

All hazardous wastes need to be assessed by Environment Australia and permit requirements determined before import or export takes place. Whether a waste needs a permit or not depends on several aspects, including:

the composition of the waste;

how the waste is intended to be disposed of and by which recycling/recovery operation; and where the waste is going to, or coming from.

Environment Australia will issue permits if the person or company requesting the permit is able to satisfy this agency that the waste will be treated in an environmentally sound manner. Additionally, for the export of hazardous waste to be approved, no suitable recycling/recovery facilities must be available in Australia, or the material must be required as a raw material in the importing country. The consent of the importing country is also required. If an exporter has a permit, the permit number should be entered in the relevant field of the Australian Customs Services' export clearance system, EXIT. Export entries containing incorrect permit numbers will not be issued a clear Export Clearance Number by Customs.

In the case of exports, the Australian Harmonized Export Commodity Codes (AHECCs) used to describe goods requiring clearance do not align with hazardous waste categories. However, it is important that the most appropriate AHECC is used and the description of the hazardous waste is accurate. This will enable the review of material being shipped under permit, and the assessment of compliance with permit requirements for the export or import of hazardous wastes.

# Penalties for Export or Import of Hazardous Waste Without a Permit

It is an offence to move hazardous waste internationally without a permit when one is required.

Australian legislation provides for high penalties to apply to offences that are likely to result in injury or damage to human health or to the environment. These penalties are up to $1,000,000 for a body corporate and up to 5 years imprisonment for an individual. Lesser penalties apply to other offences. In addition, executive officers of corporations may be held liable if they are found to have been negligent or reckless.

Hazardous waste exported or imported without a permit can also be returned to the country of origin under the Basel Convention.

# Further Information

Any enquiries concerning the Act should be directed to Dr Geoff Thompson (ph 02 6274 1411) or Ms Annie Gabriel (ph 02 6274 1711) in the Hazardous Waste Section of Environment Australia.

P. Gulbransen

Acting National Manager Import/Export Management Branch

for Chief Executive Officer Canberra ACT

March 1998