



Variation to the National Environment Protection (Movement of Controlled Wastes between States and Territories) Measure (No. 1)

National Environment Protection Council Act 1994

The NATIONAL ENVIRONMENT PROTECTION COUNCIL makes this variation to National Environment Protection (Movement of Controlled Wastes between States and Territories) Measure under section 22A of the *National Environment Protection Council Act 1994*.

Dated [4 November 2010]

1 **Name of Variation**

This Variation is the *Variation to National Environment Protection (Movement of Controlled Wastes between States and Territories) Measure (No.1)*.

2 **Commencement**

This Variation commences on the day after it is registered.

3 **Amendment of National Environment Protection (Movement of Controlled Wastes between States and Territories) Measure**

Schedule 1 amends the National Environment Protection (Movement of Controlled Wastes between States and Territories) Measure.

Introductory Note

Section 22A of the *National Environment Protection Council Act 1994* and the equivalent provision of the corresponding Act of each participating State and Territory enables the National Environment Protection Council to make a minor variation to a national environment protection measure. This is a variation to the National Environment Protection (Movement of Controlled Wastes between States and Territories) Measure which was made by the National Environment Protection Council on 26 June 1998.

The Variation is to be implemented by the laws and other arrangements participating jurisdictions consider necessary pursuant to section 7 of the Commonwealth Act and the equivalent provision of the corresponding Act of each participating State and Territory.

[1] Clause 3 Definitions *Producer*

substitute

Producer means a person who produces or consigns controlled waste or a person authorised by an agency in the jurisdiction where the controlled waste is produced, to act on behalf of the producer.

[2] Clause 8 Exclusions to this measure

move from subclause 8(g) to subclause 8(h)

;or

[3] Clause 9 Exemptions allowed by the measure

omit

Exemptions under 9(a) and 9(b)

insert

Exemptions under 9(a), 9(b), 9(c) and 9(d)

[4] Subclause 10 (a) Review of the Measure

omit

five

insert

ten

[5] Subclause 10 (b) Review of the Measure

omit

[6] Subclauses 13 (c) to (e) Features for the establishment of a system for the movement of controlled wastes

omit

[7] Subclauses 13 (f) to (l) Features for the establishment of a system for the movement of controlled wastes

reletter

13 (c) (d) (e) (f) (g) (h) (i)

[8] Subclause 13 (h) (ii) Features for the establishment of a system for the movement of controlled wastes

after

subclause 13 (h)(ii)

insert

Explanatory Note:

The policies and legislation may include those relating to the generation, transport, treatment or disposal of controlled waste.

[9] Schedule A – List 1: Waste Categories

(a) *omit*

Cyanides (organic)

insert

Cyanides (organic)/nitriles

(b) *omit*

Encapsulated, chemically-fixed, solidified or polymerised wastes

insert

Encapsulated, chemically-fixed, solidified or polymerised wastes referred to in this list

(c) *omit*

Filter cake

insert

Filter cake contaminated with residues of substances referred to in this list

(d) *omit*

Fly ash

insert

Fly ash, excluding fly ash generated from Australian coal fired power stations

(e) *after*

Organohalogen compounds - other than substances referred to in this list

insert

Oxidising agents

(f) *after*

Polychlorinated dibenzo-p-dioxin (any congener)

insert

Reactive chemicals

Reducing agents

(g) *omit*

Sewage sludge and residues including nightsoil and septic tank sludge

[10] Schedule B

omit

in printed form.

insert

in printed form or in an approved form that provides equivalent access for police, emergency workers or authorised officers.

[11] Schedule B – Part 1: To be supplied by the waste producer

(a) *omit*

- Contaminant(s)

(b) *omit*

- Waste origin code (ANZ Standard Industry Code)