



MOVEMENT OF CONTROLLED WASTE BETWEEN STATES AND TERRITORIES

**Summary of submissions received by the
National Environment Protection Council
in relation to the draft National Environment
Protection Measure and Impact Statement
for the Movement of Controlled Waste
between States and Territories**

and

**National Environment Protection Council's
responses to those submissions**

June 1998

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1. INTRODUCTION

This document is an analysis of public submissions to the draft National Environment Protection Measure for the Movement of Controlled Waste between States and Territories.

At its meeting in November 1997, the National Environment Protection Council (Council) agreed to prepare a draft National Environment Protection Measure (Measure) for The Movement of Controlled Waste Between States and Territories. The Council's decision was advertised in the Commonwealth Government Gazette, and the metropolitan daily press on Wednesday 12 November 1997 and Saturday 15 November 1997.

This Measure is to provide a national framework for developing and integrating State and Territory systems for the management of the movement of controlled waste between States and Territories originating from commercial, trade, industrial or business activities.

The National Environment Protection Council released a draft Measure and Impact Statement for the Movement of Controlled Waste between States and Territories for public comment on 14 January 1998. The availability of the draft Measure was promoted in statewide and national newspapers. In accordance with the National Environment Protection Council Acts passed in each jurisdiction, the draft Measure for the Movement of Controlled Waste between States and Territories was made available for public comment, for a period of two months, until 15 March 1998.

The submissions received were analysed and the draft Measure was amended where appropriate. Council tabled the final draft Measure in the Commonwealth Parliament, following its adoption at their meeting on 26 June 1998.

2. SUMMARY OF KEY CHANGES BETWEEN THE DRAFT MOVEMENT OF CONTROLLED WASTE MEASURE AND THE FINAL VERSION

Following consideration of:

- the submissions received by Council in relation to the draft Movement of Controlled Waste Measure and Impact Statement;
- advice provided by the Non-Government Organisation Advisory Group;
- input from the Jurisdictional Reference Network and the Project Team; and
- legal drafting advice

a number of changes to the draft Movement of Controlled Waste Measure have been included in the final version of the Measure. In addition to the substantive changes listed below, the Measure has been extensively re-drafted to improve the order and clarity of many of its clauses. These drafting changes, where they do not alter the intent or effect of the Measure, are not listed below.

The key changes are as follows:

CLAUSE 3 – DEFINITIONS

The following definitions have been amended:

“Agreement” has been amended to delete the reference to “corresponding Acts in other participating States or Territories”. This is consistent with the definitions in other Measures.

“Consignment Authorisation” is a new definition to define the consignment authorisation process to include a unique identifier.

The consignment authorisation replaces the consignment number throughout the draft Measure, but more so in clause 12 (e) and (f).

“Controlled Waste” has been amended to delete reference to “the participating State or Territory of destination considers”

The following has been added to clarify the meaning and use of List 2 in relation to List 1:

“Unless otherwise demonstrated, wastes in List 1 are considered to possess one or more characteristics in List 2”

This change and clarification places the onus on waste producers for determining if a waste exhibits one or more characteristics from List 2 or not.

“Producer” has been amended to delete reference to “or otherwise handles”. This was confusing and could have been interpreted as being any person involved in any aspect of waste management. The intention is for the actual generator to be “the producer”, or for an agent act on behalf of the producer.

The definition of producer has had added a provision to authorise any other person to act on behalf of a producer where authorised by an Agency in the jurisdiction of origin. This will facilitate regulation of those situations where numerous small waste collections are aggregated. (Eg “milk runs”)

“Vehicle” railway stock has been replaced with “rolling stock” which is a more commonly used and known phrase.

“Waste” the exclusion for “direct reuse” has been deleted from the definition of waste and has in effect been included in the amended exemptions clause. Direct reuse has been amended to define more clearly the intent for allowing “direct reuse” and ensuring that any controlled wastes are transported under licence conditions with the appropriate Schedule B information (manifest) on the vehicle in case of emergencies. The general term of reuse has been included for clarity in the waste definition (b)(i).

CLAUSE 5 - SCOPE

5(c) has been amended to make it clear that the Measure relates to the licensing of transporters only, with a reference to regulation of producer and facilities.

Generator has been changed to read producer.

The scope now makes it quite clear that the Measure relates to controlled waste from commercial activities only. Reference to domestic waste has been removed.

CLAUSE 8 - EXCLUSIONS TO THE MEASURE

- (e) Amended to include controlled waste used in research, subject to approval by an Agency in the jurisdiction of destination.
- (g) Definition of containers for direct refilling has been reworded for clarity of intent.
- (h) an exclusion for the movement of unwanted farm chemicals by a farmer or property owner, without fee or reward, for the purposes of delivering such chemicals to a designated collection place under a collection scheme approved by the affected jurisdictions, has been added.

CLAUSE 9 - EXEMPTIONS FROM THE MEASURE (NOW EXEMPTIONS ALLOWED BY THE MEASURE)

Subheading title changed from **Geographical Exemption**.

A new sub-title, “Direct reuse exemption”, is designed to encourage and facilitate direct reuse of materials in manufacturing processes.

A direct re-use exemption has been included. This exemption requires an approval process similar to the Geographical Exemption with the additional requirement the appropriate Schedule B information (manifest) should be carried on waste transport vehicles for emergency response purposes.

CLAUSE 10 – REVIEW OF THE MEASURE

(Previously clause 15) The subheading title has changed from “Amendments to the Schedule”, and has been expanded to provide a review of the Measure 5 years from commencement. This clause has been moved to Part 1 of the Measure and renumbered as clause 10.

CLAUSE 12 -ENVIRONMENTAL OUTCOMES FOR THIS MEASURE

Clause 12 (previously clause 11) has been changed to read: “The desired environmental outcomes of this Measure are to minimise the potential for adverse impacts associated with the movement of controlled waste on the environment and human health.”

CLAUSE 13 -FEATURES FOR THE ESTABLISHMENT OF A SYSTEM FOR THE MOVEMENT OF CONTROLLED WASTES

(b) Licensing and mutual recognition

To clarify where a licence is to be issued, this clause has been amended to indicate that a transporter should be licensed by an agency of the jurisdiction where the transporter’s business is established.

(c) 6 months is now allowed for States and Territories to agree to mutual recognition of licences.

(d) 18 months is now allowed for States and Territories to develop the necessary legislation within jurisdictions.

Note: The total time allowed for 13(c) and 13(d) remains at 2 years.

(e) New addition providing for full implementation within 2 years of commencement of the Measure.

(f) (previously (e)) **Prior notification and Consignment Authorisation**

Consignment number has been replaced by consignment authorisation in the clause, heading and throughout the text. This allows for other requirements to be attached to the authorisation as well as a number.

The clause has been reworded to make it clear that the jurisdiction of destination grants the consignment authorisation.

(g) (previously (f)) Consignment number has been replaced by consignment authorisation.

(h) (previously (g)) The need to consider a completed application for a consignment authorisation has been added.

The preamble has been amended to clarify the matters to be taken into consideration in deciding whether or not to approve an application.

The old (i) and (ii) have been deleted.

The old (iii) has been renumbered as (i).

A new (ii) has been added making reference to the environmental policies and legislation of jurisdictions that may be considered.

(i) (previously (h)) **Waste tracking**

The responsibilities of producers, transporters and facilities under Schedule B have been clarified and a requirement to carry the appropriate Schedule B information (manifest) on the vehicle has been included.

(j) (previously (i)) **Obligations**

'Number' has been replaced by 'authorisation'. The responsibilities of producers, transporters and facilities in regard to providing information required by Schedule B have been clarified, and the requirement to refuse or issue a consignment authorisation has been added. An obligation for agencies, or delegated facilities, to provide an explanation to an applicant that is refused a consignment authorisation, has been added.

(k) (previously (j)) **Maintenance of records**

This clause has been amended to delete the list information to be kept. This now requires all appropriate Schedule B to be kept for not less than 12 months.

(l) (previously (k)) **Furnishing of information to Council**

This has been amended to clarify the information to be provided to Council and the reason for providing it.

SCHEDULE A- LIST 1

The following wastes have been deleted from the list:

Controlled Waste	Reason for deletion
Animal and vegetable oils and derivatives, including tallow, containing another substance or substances on the list	Not a Basel waste and will not fit any of the characteristics on List 2. Will be subject to the Measure if ever contaminated by any of the wastes on List 1.
Asbestos compounds other than substances referred to in the list	Asbestos (dust and fibres) has been renamed and this will fit into the new listing.
Boiler blowdown sludge	Not a Basel waste and any contaminants will be picked up under the wastes on List 1.
Caustic neutralised wastes containing metallic constituents	Will be subject to the Measure under basic solutions or bases in solid form and /or any other wastes in List 1 as a contaminant.
Detergents	Picked up under surface-active agents.
Heterocyclic organic compounds containing, oxygen, nitrogen or sulfur	This classification is too broad.
Inert sludges/slurries eg clay, ceramic suspensions	Not a Basel waste and is an inert waste. Will be picked up under List 1 as a contaminant. Local disposal controls can regulate.
Non halogenated organic chemicals	This classification is too broad.
Radioactive waste not covered by other legislation	Other legislation controls this.
Spent catalysts	Will be picked up if contaminants exist and List 2 applies.
Vegetable and food processing waste	Not a Basel waste and will be picked up under List 1 as a contaminant.
Vehicle washwaters with or without detergents including machinery washwaters	Not a Basel waste and will be picked up under surface-active agents or under List 1 as a contaminant.
Nightsoil	Included under sewage sludge and residues.
Septic tank sludge	Included under sewage sludge and residues.

The following wastes have been added to the list:

Controlled Waste	Reason for addition
Grease trap waste	Lot of movements between jurisdictions and experience has shown to have adverse impact on the environment.
Isocyanate compounds	Experience has shown concerns with the environment and their toxicity.

The description of the following wastes have changed:

Controlled Waste	Reason for the change
Any congener of polychlorinated dibenzo-furan	Renamed for consistency. Now listed under Polychlorinated dibenzo-furan (any congener).
Any congener of polychlorinated dibenzo-p-dioxin	Renamed for consistency. Now listed under Polychlorinated dibenzo-p-dioxin (any congener).
Asbestos (dust and fibres)	Renamed to include all forms of asbestos. Now listed under Asbestos.
Clinical wastes from medical care in hospitals, medical centres or clinics	Renamed for wider control and to fit in with the proposed Australian Standard. This now listed as "Clinical and Related Wastes".
Containers and drums which have contained a controlled substance	Redefined for clarification.
Contaminated soils	Renamed for consistency. Now under Soils contaminated with a controlled waste.
Hexavalent chromium compounds	Renamed to include trivalent chromium. Now under chromium compounds (hexavalent and trivalent).
Waste chemical substances arising from research and development or teaching activities including those which are not identified and/or are new and those whose effects on human health and/or the environment are not known.	The words "including those" have been added to cover the movement of waste laboratory chemicals eg. from teaching institutions.
Waste from the production, preparation and use of pharmaceutical products	Original wording incorrect and not in accordance with Basel. Now named waste from the production and preparation of pharmaceutical products

SCHEDULE A LIST 2

The columns have been renamed for clarification.

The heading in column three has been removed.

SCHEDULE B

Has been amended to clarify the responsibilities of the waste producer, the transporter and the facility operator.

3. THE PROCESS

3.1 Development of the Measure

A small project team of officers drawn from New South Wales, South Australia, Tasmania and Victoria, and a project manager from the NEPC Service Corporation has carried out the development of the Movement of Controlled Waste Measure. A Jurisdictional Reference Network with representation from each participating jurisdiction (Commonwealth, States and Territories) was established to advise the project team.

During the preparation of the draft Measure and Impact Statement, Council sought the participation of the general public and interested parties by advertising in major newspapers across Australia. Public meetings were held by the jurisdictions in all capital cities and some regional centres.

To facilitate consultation, a Non-Government Organisations (NGO) Advisory Group was formed. This Group was charged with actively seeking views from its constituent organisations and providing high-level policy advice to the NEPC Committee.

A draft Measure and Impact Statement for the Movement of Controlled Waste between States and Territories was released for public comment on 14 January 1998, by the National Environment Protection Council for a period of two months until 15 March 1998. The draft was circulated for public comment to all individuals and organisations that expressed interest during the preparation of the draft Measure. It was also distributed to Commonwealth, State and Territory Government departments, and to key stakeholders identified by jurisdictions. The availability of the draft Measure was advertised in statewide and national newspapers. Submissions closed on 15 March 1998. Twenty-nine submissions were received from individuals and groups in the community including environmental groups, concerned individuals, unions, government agencies, industry bodies, companies and community groups with a special interest in the development of the Measure.

The project team analysed the submissions and sought advice from the Jurisdictional Reference Network and the NEPC Committee in developing a response to the issues raised and ultimately in revising the draft Measure.

Establishment of the Measure requires further agreement between jurisdictions to ensure consistency of implementation. As implementation is not the responsibility of the NEPC, additional agreement between all jurisdictions in the form of an "Agreement between Agencies (Agreement)" was required. As a result, a Management Options Working Group, comprising officials from each jurisdiction, was established in November 1997. This Group was charged with developing coordinated arrangements which jurisdictions will use to implement

the Measure. These arrangements are set out in the Agreement, which outlines the principles and procedures that the Commonwealth, States and Territories agree to undertake cooperatively to facilitate a coordinated and consistent national approach to implementation of the Measure throughout Australia.

The final Measure was endorsed by Council at its meeting on 26 June 1998, and will be tabled in the Commonwealth Parliament. The Agreement was agreed to by heads of environmental agencies (comprising members of NEPC Committee) at the same time as adoption of the Movement of Controlled Waste Between States and Territories Measure by Council.

3.2 Relationship of this Measure to the previously advertised Measure on the Movement of Hazardous Wastes Across State and Territory Borders

In June 1996 the National Environment Protection Council resolved that a Measure on the Movement of Hazardous Wastes Across State and Territory Borders be developed. Input was obtained from identified key stakeholders and in June 1997 a discussion paper was prepared which examined key issues regarding the development of the Measure. Comments solicited from key stakeholders and State and Territory governments were incorporated into the development of a draft Measure and Impact Statement. During the development of the Measure concern arose regarding the use of the term “hazardous” for classifying the wide range of wastes jurisdictions wished to track due to their potential to cause negative impact to the environment. This concern focused on the potential that the definition of all wastes to be controlled as hazardous may result in unintended conflicts with Australia’s commitments under international agreements.

The NEPC therefore decided to change the definition of wastes to be tracked as “Controlled Waste”. Council, at its 7 November 1997 meeting, revoked its decision to develop a Measure for the Movement of Hazardous Wastes Across State and Territory Borders and resolved to develop a Measure in regard to the Movement of Controlled Waste Between States and Territories. To comply with the NEPC Act, the Council readvertised through public notice its intent to develop the Measure.

This decision did not substantially affect the composition of the original draft Measure. It was intended that the revised draft closely reflect the issues presented in the publicly disseminated discussion paper of June 1997. It was agreed, however, that the two lists of wastes previously described as hazardous and controlled waste be combined into a single list designated as Controlled Waste.

4. PUBLIC PARTICIPATION AND CONSULTATION PROGRAM

The Measure development process is an extensive and open consultative process. The following sections outline the key components of that consultative process.

4.1 Protocol for consultation

A “Protocol for Consultation by NEPC” was developed (see Appendix C).

In accordance with this protocol, the overall aims of the Movement of Controlled Waste Measure consultation were:

- to canvas the range of views on key issues and determine areas of agreement and disagreement among stakeholders; and
- to ensure that all views were taken into consideration in framing recommendations and reports to NEPC on the Movement of Controlled Waste National Environment Protection Measure.

Interested parties were given the opportunity to provide written comment through the Jurisdictional Reference Network, the NGO Advisory Group or directly to the Project Manager, NEPC Service Corporation.

In accordance with the protocol, consultation with stakeholders occurred through:

- formation of a broadly representative NGO advisory group;
- targeted consultation with NGO focus groups; and
- broad based consultation within the community.

Consultation within the individual jurisdictions was the responsibility of the Jurisdictional Reference Network and mechanisms used included workshops, meetings, focus groups and the taking of submissions.

4.2 NEPC public participation and consultation

The public participation and consultation program included:

- promotion of the availability of the draft Measure in major metropolitan newspapers, including an invitation to provide a submission;
- the establishment of a 1-800 telephone number to facilitate access to documents;
- the formation of a NGO Advisory Group to actively seek views from its constituent organisations; and
- a series of public meetings and workshops held across Australia, which were attended by a range of stakeholders including Commonwealth, State and local government, industry, and environment and community groups (see Appendix D).

The publication of this Summary document signals the end of the statutory and informal consultation processes for the development of the Movement of Controlled Waste Measure. Networks and contacts have been established within Government, business and the community by all those who participated in the development of this Measure and these networks have not only strongly contributed to the development of the Measure, but will greatly assist its implementation.

All jurisdictions have a strong commitment to a continuing consultation process both in the implementation of this Measure [and in its review in 1999].

5. SUMMARY OF PUBLIC COMMENT AND NEPC RESPONSE

This Chapter presents a summary of public input to date so that stakeholders:

- have an understanding of the views being presented to NEPC; and
- can trace their input into the development of this Measure.

Many issues and comments were raised in more than one submission, and in different forms. Style and expressions differ from one submission to another, and thus issues are raised in different ways having different connotations, contexts and emphases. As it is not possible in this Summary to deal with all the subtleties emerging from such variations, an attempt has been made to group similar comments together. Similarly, an attempt has been made, where possible, to provide a single response which captures the key issues raised in submissions.

Comments made in submissions have been assessed entirely on the cogency of points raised. No subjective weighting has been given to any submission for reasons of its origin or any other factor that would give cause to elevate the importance of any submission above another.

This Chapter does not seek to make judgements about the content or accuracy of statements, although different views about particular issues are contrasted. Some of the information presented was anecdotal and varied in its degree of accuracy. Nevertheless, Council believes that, while it is important to base the development of the Movement of Controlled Waste Measure on sound scientific and technical information, responses which may be less technically accurate also have a significant role to play in helping to design a community information program such as this Measure. Such responses show the ways in which people interpret their experiences and may also highlight gaps in access to information or in knowledge.

There have been two versions of the draft National Environment Protection Measure for the Movement of Controlled Waste. The comments made in public submissions refer to the first document (the 'comment' column below), the responses by Council refer to the final document (the 'response' column below).

The submissions are cited in the following manner. Submissions are given a unique number, in order of receipt, as indicated in Appendix A for those received during public consultation (14 January – 15 March 1998).

For example, the reference (A12) refers to a comment made by the South Australian Health Commission during public consultation.

1. Title

COMMENT	RESPONSE
Commends the decision to change the title from “Hazardous Waste to “Controlled Waste”. This change will help to avoid any confusion with the lists of Hazardous Waste being developed under The Basel Convention. (A17)	Noted.

3. Definitions

COMMENT	RESPONSE
<p>‘Waste’ – the definition of waste differs from that being used by other agencies. Particularly those associated with the encouragement of recovery, reprocessing and recycling of waste, adopt a minimalist stance, encouraging the belief that as little as possible is to be regarded as waste. This is the direct opposite of the maximalist definition adopted in the draft NEPM.</p> <p>It is probable that in many instances “matter intended for direct re-use for its original intended purpose” will need to be transported (ie oil/petrol drums and pesticide and herbicide containers). Should the caveat on re-use be deleted? (A2)</p>	<p>There are many definitions of waste as defined by different legislation for a range of purposes. This definition has been written to encompass the main points of the various State and Territory legislation for the management of waste and is consistent in its approach to reuse, reprocessing, and recovery.</p> <p>The definition only applies to the NEPM.</p> <p>Reference to ‘reuse’ has been removed from the definition. This provision is incorporated into clause 9, which allows for direct reuse of a material exhibiting a characteristic on List 2 to be reused without processing as an input into a manufacturing process. Only the requirements that the controlled waste be transported by a licensed transporter and that information required by Parts 1&2 of Schedule B be carried for emergency response purposes need to be met. Recycling and reuse will continue to be encouraged by jurisdictions.</p>
<p>“Waste” – The definition should be amended to read: “Waste does not include any matter destined for direct re-use for its original intended purpose or intended for (immediate) use as ingredient in other product formulations.” (A6)</p>	<p>Reference to ‘reuse’ has been removed from the definition and this provision is incorporated into clause 9, which now includes an exemption for such purposes.</p>
<p>“Agreement” – the definition of ‘agreement’ is not quite the same as that used in the NPI or Air NEPMs. It is desirable that the definitions of the terms common to a number of NEPMs are the same. (A9)</p>	<p>This definition has now been changed to accord with other Measures.</p>
<p>The definition of waste, which we believe categorises materials as waste up to the point of sale, but then allows this definition to be</p>	<p>Materials defined as controlled waste maintain that definition until properly treated (including recycling), or disposed of,</p>

3. Definitions

COMMENT	RESPONSE
broadened. This needs further clarification. (A14)	or reused in a manufacturing process and no longer are a waste product regardless of whether a sale has occurred.
The definition of “waste” in clause 3 should include matter intended for: (add) ‘storage and disposal’, as it is implicit that this Measure covers the movement of hazardous waste destined for ultimate disposal. (A2) (A27)	The definition is not restricted to waste only destined for disposal. Waste destined for storage is also covered.
Waste – the definition of wastes which include materials that are destined for recycling, reuse or material replacement is too broad. While the movement of such materials may need to be controlled, defining materials destined for recycling as wastes has the potential to create negative perception in the general community and reduce the preparedness and support for recycling. Clearly in most cases, materials destined for recycling have a net value and are not a waste for purpose of domestic regulation. Importantly, most recycling processes are commercially well established and the material is unlikely to be mismanaged. (A17)	This definition has been written to encompass the main points of the various State and Territory legislation for the management of waste and is consistent in its approach to reuse, reprocessing, and recovery. All jurisdictions actively encourage recycling. However, experience has shown that a tracking system is necessary to ensure that waste defined as controlled waste is legitimately recycled, treated, or disposed. A tracking system ensures that a controlled waste arrives at a licensed facility to which it is destined and that it is transported and handled properly by licensed transporters. Many States have tracked waste destined for recycling for many years and this has not been demonstrated to be a significant hindrance to recycling.
“Contaminated soils” – are included in List 1. It should be noted that the definition of ‘contaminated soils’ varies from state to state, meaning that contaminated soil in one jurisdiction may not be so defined in a recipient jurisdiction. (A12)	This category has been changed to read “Contaminated soil being soil contaminated with a controlled waste”. In order to be a controlled waste it is necessary for it be on List 1 and exhibit a characteristic on List 2.
“Producer” – is defined to include anyone who otherwise handles controlled wastes. This is seen as having far reaching consequences, as it would clearly include anyone who transports them or even lifts a freight container onto or off a train. While it is recognised that a broad definition is required in order to always be able to assign responsibility, then there should be a sequence given such that the most appropriate person gets the guernsey. Suggest: “Producer” means (i) a person who produces controlled waste; or if that person cannot be determined; (ii) a person who consigns controlled waste;	The definition of “Producer” has been changed to address this matter.

3. Definitions

COMMENT	RESPONSE
or if that person cannot be determined; (iii) a person who otherwise handles controlled waste. (A19)	
“Vehicle” – includes the term ‘railway stock’. The correct term is ‘rolling stock’. In more common usage, including the ADG Code is the term ‘rail wagon’. (A19)	The Measure has been changed to incorporate this term.

5. Scope

COMMENT	RESPONSE
<p>The limited scope of the NEPM tends to prompt questions which are irrelevant because they are ‘out of bounds’. Would there be merit if the final NEPM recognises briefly some of the factors beyond its scope and the ways in which these are being addressed?</p> <p>Relevant factors include:</p> <ul style="list-style-type: none"> (a) the existence of wastes which should be brought under the control system, but for a variety of reasons have not; (b) some owners of the wastes referred to in (a) may seek to dispose of it in the simplest possible manner and make use of a respected carrier, without expressing any doubts or cautions to the carrier; (c) the potential anomalies that may arise when carriage of waste occurs between offshore territories of the Commonwealth and mainland states. (A2) 	<ul style="list-style-type: none"> (a) The list of wastes in the NEPM is considered to be adequate for its purpose. The list reflects the current view of jurisdictions however it will be subject to periodic review. (b) There is an onus on the producer to ensure that the transporter is appropriately licensed. Licences will require that minimum standards be met. The effect of the NEPM is to expand transport licensing to all jurisdictions. (c) Waste transported from offshore parts of Australia falls within the NEPM as determined by the legislative arrangements in place in the territory where the waste originates and the State or Territory where the waste arrives. Many transfers would be considered to be intrastate movements (ie: Cocos Islands to WA) and would be tracked under the relevant destination state’s tracking system.
<p>There appears to be conflict in clause 5. The discussion of licensing under clause 5(c) refers to generators, transporter and facilities, whereas the first paragraph in clause 5 indicated that the intention of the Measure is to manage the movement of controlled waste. To remove this conflict, it is recommended that the reference to generators and facilities be deleted from 5(c).(A17)</p>	<p>Clause 5 has been amended to clarify this matter. Licensing now only refers to transporters, however it is anticipated that producers and facilities will be subject to regulatory control by jurisdictions to facilitate implementation of the Measure.</p>
<p>5(a) – while it is understandable that the NEPM proposes a tracking system, it is unfortunate that what is proposed does not lend itself to integration with existing tracking systems for other hazardous loads. The current computer system used by National Rail meets the intent, if not the</p>	<p>The Measure is performance and outcome oriented in many ways. Schedule B prescribes the information required to accompany controlled waste but not a required format. The Schedule B data fields required by the NEPM is fully compatible with the Australian Dangerous Goods Code.</p>

5. Scope

COMMENT	RESPONSE
<p>detailed requirements of the NEPM. Had the Measure been developed as 'performance based' rather than 'prescriptive' legislation, rail would have little difficulty meeting the desired objectives, but will have difficulties doing so by the prescribed methods. (A19)</p>	<p>However, the uncertain nature of a waste's composition and the likely negative value of waste, which encourages illegal disposal, makes additional requirements necessary. These requirements include a closed loop tracking system containing:</p> <ul style="list-style-type: none"> - the issuing of a consignment authorisation to ensure that jurisdictions (or licensed facilities) have evaluated the environmental consequences of transporting the waste; - that a licensed facility is aware of the impending arrival of the waste; and - that the receiving facility reports to Environment Regulatory Authorities and the producer of the waste to confirm proper disposal has occurred. <p>These are not new requirements but ones that have been used by some jurisdictions for several years under the voluntary ANZECC National Guidelines for the Management of Waste.</p>
<p>5(b) – It seems incomprehensible, at a time when Governments of all persuasions are withdrawing from business activities that such a system could be envisaged which will necessitate direct involvement of Government Agencies in such a routine task. In addition, most OHS&W legislation is rapidly moving from prescriptive to performance based, such that industry is accountable for meeting the performance objectives without it being described in detail how these could be met. (A19)</p>	<p>The NEPM is not intended to be prescriptive but allows for the integration of a variety of existing systems for tracking waste. Some jurisdiction will delegate much of the responsibility for NEPM compliance and reporting to industry. Other jurisdictions choose to maintain a more direct and centralised role. The NEPM provides guidelines so that desired environmental outcomes are achieved while providing a consistent and comprehensible system for industry. This allows jurisdictions to delegate responsibility to industry as per their respective policies.</p>
<p>5(c) - The necessity for licensing transporters is queried. A better way is to license the producer, who will be held totally accountable for ensuring they are correctly allocated, transported and disposed of. If transporter licensing is included, it cannot be vehicle specific if any of this transport task is to remain on rail transport. Wagons are constantly being moved around the country, many in fixed train consists. Licensing individual wagons could lead to unacceptable delays. (A19)</p>	<p>Licensing of all producers of controlled waste is not considered to be feasible. This would require very small producers such as photo shops and restaurants to be licensed and incur extra costs in establishing an audit trail for each waste shipment. The licensing of transporters is seen as an integral and practical element of waste tracking. Transporters often accumulate waste from a large number of small producers before transporting the waste to a facility. Licensing systems provide that it is the carrier that is subject to the licence to</p>

5. Scope

COMMENT	RESPONSE
	<p>ensure wastes are transported by vehicles built and operated to approved standards. This is the current practice in jurisdictions that presently licence transporters of waste. It would not be practicable to licence individual containers.</p>
<p>Interstate rail operators, in the main, are line haulers – essentially sub-contractors hauling freight containers which have been loaded and consigned by Freight Forwarders to either that or another Freight Forwarder in the jurisdiction of destination. They have no direct control over what is loaded in the containers – but they are totally accountable for ensuring that what is consigned arrives intact and on time at the correct destination. Therefore, in the rail context, it would make far more sense for the Freight Forwarder consigning the container of controlled waste to be regarded as the transporter for licensing purposes, and that, if required, the freight container rather than the rail wagon, be the transport vehicle licensed. (A19)</p>	<p>The NEPM is framed such that</p> <ul style="list-style-type: none"> (i) it is the transporter that is required to hold a valid licence to transport waste. (ii) the required information accompanying the waste is consistent with the ADG. <p>Waste transported by rail under the National Guidelines for the Management of Waste has been successfully completed with the documentation carried on the train and accompanying the waste. Provided that each sub-contractor is licensed to transport the controlled waste there would be no conflict with the Measure. The transporter, not the vehicle is licensed so the use of containers is not restricted and have been commonly used.</p>
<p>Recommend that:</p> <ul style="list-style-type: none"> (1) Australia’s international obligations under the Basel Convention should be included within the scope of the NEPM to: <ul style="list-style-type: none"> a) minimise the generation of hazardous waste; b) ensure the availability of environmentally sound management facilities for the disposal of hazardous waste; c) provide information on disposal options operated within areas of national jurisdiction; d) provide information on the development of technologies for the reduction and/or elimination of the generation of hazardous waste. (2) that the NEPM explicitly outlines how it can meet Australia’s obligations under the Basel Convention to minimise the impact on the environment from the movement of hazardous waste including: <ul style="list-style-type: none"> a) the use of Prior Informed Consent to refuse waste movement to discourage the generation of hazardous waste; 	<p>The Commonwealth is responsible for Australia’s obligations under the <i>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal</i>. The Measure can indirectly assist in achieving Commonwealth obligations. Expanding tracking systems and licensing of transporters across the country reduces the potential for illegal disposal; and provides important information about the treatment and disposal of waste.</p> <p>It cannot directly address waste minimisation as it was always the intention to focus on interstate waste tracking and transporting. Waste minimisation is dealt with directly through State and Territory legislation and through a proposed Industry Waste Reduction Agreement being developed nationally.</p> <p>Clause 13 of the Measure provides for consultation regarding the proposed disposal or treatment of a waste before a consignment authorisation is issued. This will provide a</p>

5. Scope

COMMENT	RESPONSE
<p>b) the tracking of hazardous waste movement from facilities, including to the ports for export, to help ensure no unauthorised transport and disposal of hazardous waste;</p> <p>c) sharing information with other jurisdictions on the development of new environmentally sound technologies and practices for the minimisation and/or elimination of hazardous waste. (A22)</p>	<p>means for jurisdictions to assess proposed waste movements in regard to their waste management policies.</p> <p>The Measure allows for the tracking of wastes from facilities and producers to ports, where transport is across State and Territory borders.</p>
<p>The NEPM does not sit within any cleaner production framework with regards to the minimisation of the generation of hazardous wastes. Nor does it have any capacity to promote clean production practices, except indirectly through the prior informed consent mechanism.</p> <p>Recommend that all jurisdictions:</p> <p>a) incorporate the goals of hazardous waste minimisation and clean production within the NEPM; and</p> <p>b) incorporate the NEPM into policies and legislation concerning the minimisation of hazardous waste and the promotion of clean production practices and technologies. (A22)</p>	<p>ANZECC has recently published a draft Cleaner Production Strategy and this topic is properly dealt with there. This Measure is formulated to integrate tracking systems for the movement of controlled waste between States and Territories.</p> <p>It was always the intent that this NEPM to focus on the issues of:</p> <ul style="list-style-type: none"> - tracking controlled wastes; and - mutually recognising licences to transport waste.
<p>It is not clear whether the definition of 'scope' includes Industry Waste Management Plans established under the waste minimisation legislation of the States.</p> <p>The tyre industry intends to prepare and promote an industry Code of Conduct for waste tyre management. Such Codes of Conduct should be an integral part of the NEPM scheme. (A26)</p>	<p>The scope only refers to the management of the movement of controlled waste and not management of waste in general.</p> <p>Codes of Practice would be welcomed. They could be adopted by jurisdictions and can be considered for inclusion in implementation of the Measure when formulated.</p>
<p>The tyre industry believes that certain fundamentals are essential in ensuring that proper scrap tyre management takes place both at the intra- and interstate levels. All programs should have, as an absolute minimum requirement, that all persons or entities dealing in scrap tyres are licensed under Government regulation. It should also be compulsory for such persons or entities to maintain and submit appropriate Waste tyre management and tracking documentation. (A26)</p>	<p>The Measure provides for licensing of persons transporting waste tyres and the completion of documentation. Facilities receiving tyres are licensed by jurisdictions and also provide tracking information regarding treatment, recovery, and disposal.</p>

5. Scope

COMMENT	RESPONSE
<p>The tyre industry understands that tyres are not presently listed under the Basel Convention. Concerned about the inconsistency between the Convention and the proposed NEPM in this regard. (A26)</p>	<p>The Basel Convention comprises those wastes considered to be hazardous by international agreement. This Measure addresses controlled wastes and allows for the administration of other wastes shown to present a risk to the Australian environment in a consistent manner.</p>
<p>The Measure will (and should) have direct and indirect bearing on international rights and obligations, most particularly the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, and their Disposal, and the Basel Ban. Suggest that the (unnumbered) paragraph at the top of page 5 of the Measure be reworded to reflect the important links between the Measure and Australia's international obligations. (A27)</p>	<p>The Commonwealth is responsible for Australia's obligations under the <i>Base Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal</i>. The Measure can indirectly assist in achieving Commonwealth obligations. Information derived from the interstate tracking of controlled wastes will assist the Commonwealth in reporting on its obligations under the Basel Convention. It is not intended, however, that the substances in List 1 of the Measure should affect Australia's international obligations regarding the Hazardous Wastes described in Annex 1 of the Basel Convention. List 1 of the Measure is for domestic purposes only.</p>
<p>It is essential that two additional clauses be added to 5. (Scope), to provide for (d) 'the clear statement of offences under the Measure including failure to submit information, false or misleading reporting, and illegal dumping'; and (e) 'a hierarchy of sanctions for non-compliance with the Measure'. (A27)</p>	<p>Offences and sanctions are enforcement matters that may only be dealt with on a jurisdictional basis. Clause 14 provides guidance to jurisdictions regarding enforcement of the providing accurate information as required by the Measure.</p>

8. Exclusions to the Measure

COMMENT	RESPONSE
<p>There needs to be additional provisions within the Exemption Provisions that permits exclusion from the Measure where:</p> <ul style="list-style-type: none"> – there is Industry Approved scheme registered and approved with the NEPC via the State EPAs. – membership of the industry scheme is compulsory by all industry participants. – failure to join the industry scheme will require compliance with the Measure. – exemption of an industry-approved scheme will be ongoing where stated targets set in conjunction with NEPC are achieved. (A1) 	<p>Industry approved schemes registered with jurisdictional agencies would be welcomed when developed. Any such proposed exemption may be considered for inclusion in the Measure during the proposed review. An exclusion for collection of unwanted farm chemicals under a national collection scheme has been included. There is considered to be sufficient flexibility within the Measure to facilitate the implementation of many approved schemes. Due to the potential diversity of collection schemes and the variability in the risks of management of controlled wastes it is difficult to develop a</p>

8. Exclusions to the Measure

COMMENT	RESPONSE
<p>It is debatable as to whether it is desirable or practicable to exclude interstate movements as outlined in clause 8(b). Suggest delete this item. (A22)</p>	<p>generic exclusion for all collection schemes.</p> <p>The aim of this exclusion, is too avoid the necessity for applying the Measure to a load of waste that only briefly passes through another jurisdiction before returning to the original jurisdiction for disposal (ie. a shipment travelling from southwest NSW to Sydney and that passes through the ACT). Under clause 8(b) the waste movement would still be administered under the jurisdiction in which it was being transported. Without such an exclusion an unreasonable administrative burden would be placed on the transporter and producer with no likelihood of better waste management.</p>
<p>It is difficult to see why an 'emergency' would require the movement of hazardous waste between jurisdictions. Suggest delete clause 8(d). (A22) (A27)</p>	<p>It is considered unlikely that an emergency would require that waste be transported across State or Territory boundaries. However, if an emergency occurred during transport, the consideration of human life, the environment and property would be paramount. Rapid clean up of a spill could require transport to a facility across a border. This provision is consistent with the ADG Code.</p>

9. Geographical Exemptions to the Measure

COMMENT	RESPONSE
<p>Scope of geographic exemption (eg distance from GPO) needs to be addressed for clarity and consistency. Suggest a zone of 80km from jurisdictional border. (A4)</p>	<p>This is considered to be too restrictive and the NEPM allows for zones to be determined on a case-by-case basis to address the effect on communities on the basis of risk, economics, and other relevant considerations. Such issues may not be resolved by a single distance criterion. Implementation guidelines for jurisdictions will be developed to cover this issue and ensure consistency between jurisdictions in the approval of such exemptions. Only a limited number are anticipated.</p>
<p>Further clarification of geographic exemptions should be provided in the final version of the NEPM. Specifically, guidelines should be included providing the circumstances under which an exemption may be permitted. (A11)</p>	<p>Implementation guidelines will be developed by jurisdictions to cover this issue and ensure consistency.</p>
<p>Recommend that the NEPM contain no</p>	<p>There is no proposal that geographic</p>

9. Geographical Exemptions to the Measure

COMMENT	RESPONSE
<p>exemptions to the tracking of hazardous waste movements for geographical circumstances or the purpose of transit through any jurisdiction. Such exemptions contravene the objective of 'equivalent protection'. The justification for these exemptions appears more driven by non-environmental objectives like administrative efficiency.</p> <p>If hazardous wastes are being moved between jurisdictions through the Australian community and environment, then those wastes should be subject to the provisions of the Measure. Recommend that clause 9 be deleted in its entirety. (A22) (A27)</p>	<p>exemptions be wide ranging. The aim of this exemption is to prevent undue hardship for businesses and residents of border communities that share common facilities and may have a significant volume of waste transfers. Waste movements within a geographic exemption zone will be treated as an intrastate movement and tracked accordingly by jurisdictions. This topic is provided for under the NEPC Act. Section 15 requires:</p> <ul style="list-style-type: none"> - economic and social impact of NEPM; - administrative simplicity and efficiency; and - regional difficulties to be taken into account. <p>Licensing system requirements will still apply in the exempted area. Equivalent protection will be maintained.</p>

11-12. Desired Environmental Outcomes and goal of the Measure

COMMENT	RESPONSE
<p>The outcomes should include the minimisation of environmental impact on human health. (A8)</p>	<p>The Measure has been amended to include this.</p>
<p>The NEPM should include an outcome along the lines: "the minimisation of environmental impacts: (v) on contamination of land; (vi) on contamination of biological organisms and food supplies. (A21)</p>	<p>The desired environmental outcomes have been rewritten. The desired environmental outcomes are to minimise the potential for adverse impacts associated with the movement of controlled waste on the environment and human health which includes contamination of land and biological organisms.</p>
<p>The stated environmental objective of all NEPMs is "... equivalent protection ..." However, the draft NEPM does not make any reference to equivalent protection in its goal or outcomes. Nor does it state upfront what its actual environmental objectives are.(A22)</p>	<p>Section 3 of the NEPC Act requires equivalent protection. It is unnecessary to state this in the NEPM. Common standards for the licensing of transporters which are presently being developed for the purposes of achieving mutual recognition of transport licences will provide equivalent protection during transport. Interstate tracking of wastes also assists in providing equivalent protection in ensuring that wastes are properly disposed.</p>
<p>The proposed NEPM should have binding and clearly defined environmental benchmarks stated up front to measure the performance of the NEPM. They could</p>	<p>It would not be possible to set benchmarks for reduction of waste volumes, waste minimisation, or cleaner production as the Measure is not designed to address these</p>

11-12. Desired Environmental Outcomes and goal of the Measure

COMMENT	RESPONSE
<p>include minimising the impact on the environment by:</p> <ul style="list-style-type: none"> a) reducing the volume of hazardous waste generated and moved interstate; b) reducing non-compliance with the NEPM; c) reducing the incidences of illegal dumping; and d) promoting hazardous waste minimisation and clean production practices. <p>The progress of any environmental benchmarks should be reviewed annually and recorded by jurisdictions in their report to the Commonwealth. (A22)</p>	<p>issues and could not be used directly as an instrument to improve these benchmarks. The Measure will provide the first reliable data on interstate transporting of controlled waste which will provide information required for strategic waste management and may provide information relevant to assessing the impact of waste minimisation and cleaner production legislation over time.</p> <p>Annual reporting on the NEPM to Council will be in accordance with s.24 of the NEPC Act.</p>
<p>Suggest the phrase "and are in accordance with relevant occupational health and safety legislation" be added to the end of clause 11. (A27)</p>	<p>Compliance with occupational health and safety legislation is a jurisdictional requirement in any case and covered by appropriate legislation. It is not necessary and would have no additional effect if incorporated into the Measure.</p>
<p>The desired outcomes of the Measure in clause 11 are not measurable outcomes. They are in fact outcomes common to all NEPMs, and so not specific to this Measure. Recommend that the desired outcomes of the Measure be minimisation of environmental impacts by:</p> <ul style="list-style-type: none"> i) reducing the volume of hazardous waste generated and transported; ii) increasing national consistency in tracking hazardous waste, and in compliance with this Measure; iii) reducing the incidence of illegal dumping; iv) facilitating the establishment of environmentally sound disposal facilities; and v) promoting hazardous waste minimisation and clean production processes. (A27) 	<ul style="list-style-type: none"> i) It is not the purpose of this Measure to reduce hazardous waste generated – that is left to other instruments such as Industry Waste Reduction Agreements; ii) the Measure provides for this in clause 11; iii) this is implicit to being “properly handled” and it is expected that this will be a result of the goal of the Measure; iv) the scope of the Measure addresses the issues of: <ul style="list-style-type: none"> - waste tracking - prior notification and authorisation - licensing of transporters v) ANZECC has released a draft Cleaner Production Strategy that addresses this issue.

13.Guideline:Features for the establishment of a system for the movement of controlled waste

COMMENT	RESPONSE
<p>The principal scenario for interstate movements of waste will be where the generator will hire a carrier from the jurisdiction of origin, and utilise vehicles that</p>	<p>The NEPM allows for this.</p> <p>The mutual recognition of transport licences will ensure that equivalent standards will be</p>

13.Guideline:Features for the establishment of a system for the movement of controlled waste

COMMENT	RESPONSE
<p>are registered and recognised as suitable by the jurisdiction of origin. The generator would then seek recognition for this carrier and vehicles from the jurisdiction of destination and (possibly) any jurisdiction en-route.</p> <p>However, some jurisdictions give rise to very little controlled waste. In such instances, it may be more economic for the waste generator to identify a carrier in the jurisdiction of destination (who already has a suitable vehicle recognised by that jurisdiction). (A2)</p>	<p>met regardless of where the transporter is licensed.</p>
<p>It is a recognised fact that when vehicles carrying controlled substances are involved in an emergency, opportunities exist for the documentation to be destroyed or become unavailable. Has consideration been given to ensuring that a back up copy of the documentation is readily available for access by emergency services personnel? (A2)</p>	<p>This has been considered. The consignor will be required to keep details of the consignment.</p>
<p>13(e) - it is unclear which Agency will issue the consignment note or to whom the application for one should be addressed.</p> <p>13(f) - further clouds the question above.</p> <p>13(g) - one gathers that an application for a consignment note must be accompanied by the information in Schedule B but the subsection does not state this fact. (A3)</p>	<p>The consignment authorisation will be issued by the State or Territory of destination (see Obligations 13(j)). The actual agency is that nominated by each jurisdiction. Names, addresses, and telephone numbers will be issued during the implementation phase.</p> <p>Schedule B refers to information accompanying the waste. Details needed when applying for a consignment authorisation will be provided by jurisdictions when the NEPM is implemented. It will be necessary for the producer or their agent to provide sufficient information. Clause 13(g)(i) has been removed. The agency issuing the authorisation can take 13(g)(iii) into consideration. It is likely that a format will be agreed between jurisdictions during implementation of the Measure.</p>
<p>13(i)(iv) - Experience shows that where a statutory timeframe is established that time becomes the norm for the event to occur and efforts to obtain the document under discussion in lesser time are fruitless. Given the probability that such transfers of waste are likely to be numerically small, and the</p>	<p>The statutory timeframe is a considerable improvement of the existing non-regulatory system where no time is prescribed. Experience has shown, however, that almost all decisions are made on the day of application.</p>

13.Guideline:Features for the establishment of a system for the movement of controlled waste

COMMENT	RESPONSE
fact that such matters are readily computerised, I would suggest that a same day response is not impossible. (A3)	
13(g)(i) - should be removed as an unreasonable trade restraint. Economic and logistic factors have not been fully considered. (A4)	Clause 13(g)(i) has been removed.
13(g)(iv) - should note that treated wastes are not considered controlled wastes. (A4)	Clause 13(g)(iv) has been removed.
13(d) - requires participating jurisdictions to make necessary adjustments to legal and administrative frameworks within 6 months of reaching agreement on mutual recognition, as per (c). If changes to legislation are required eg enacting mirror legislation in each jurisdiction, it is doubtful that this will be possible in six months. Recommend that the timeframe in (d) be changed to 12 months. (A9)	NEPM changed - clauses 13(c) & 13(d) changed to a period of 6 months and 18 months respectively.
13(c) & (d) - mutual recognition timing should be much shorter than 12 months. (A16)	Changes to legislation are a lengthy process and could not accommodate shorter periods. Clauses 13(c) & 13(d) have been amended to 6 months and 18 months respectively.
13(a)-(d) - The mutual recognition of licences should occur as soon as practicable providing: - the licence conditions of the transit and receiving jurisdiction are of an equal or higher standard; and - the licence includes the details contained in Schedule B of the proposed NEPM. (A22)	Agreed. There will be consistency in transporter licences to meet agreed outcomes. Schedule B information is necessary to accompany the waste.
The reference to radioactive wastes should specify "Radioactive wastes where the transport of these wastes is not regulated by other legislation". (A9)	This class of waste is in all cases separately managed by other regulatory instruments and has been removed from List 1.
13(g) - criteria for granting consignment numbers should be transparent and be binding on all jurisdictions, so that commercial decision making can occur with confidence. (A10)	Agreed. This is the case under the National Guidelines in place at present. The Measure has been amended (clause 13(j)(v)) so that jurisdictions will give an explanation to an applicant for any refusal to issue a consignment authorisation.
The recognition of licences must be universally applied throughout Australia. Individual states, as signatories to this Measure, must ensure that all impediments to national recognition are removed to ensure that the aims of the NEPM are achieved.	Agreed. Common licence outcomes are now being developed and will apply to all who transfer waste in accordance with this Measure.

13.Guideline:Features for the establishment of a system for the movement of controlled waste

COMMENT	RESPONSE
<p>Interstate standards should be uniform to ensure that wastes are not removed to another jurisdiction merely because its requirements are less stringent. Transporters should be able to operate on the one licence Australia wide to both interstate and intrastate destinations. (A11)</p>	<p>The mutual recognition of licenses to transport waste applies for the purpose of this Measure. This is a considerable improvement over the current situation. Jurisdictions are responsible for administering waste transport and licensing facilities within their boundaries.</p>
<p>AMTA is preparing to launch an environmentally responsible battery recovery scheme. The prior notification requirement would be an onerous one, effectively making it impossible to launch this battery recovery scheme. While these batteries are potentially hazardous when disposed of in landfill they are non-hazardous in transit and can, at an appropriate recycling facility, be completely recycled.</p> <p>To enable this battery recovery scheme (and potentially other similar schemes) to succeed we propose that any of the following amendments to the draft NEPM would meet our requirements:</p> <p>(1) Inclusion of another exclusion to the effect that the NEPM does not apply to "a movement of a controlled waste in line with an approved National Recycling Scheme operated on a widespread geographical basis. Exclusion under such schemes must be made on a case by case basis". OR</p> <p>(2) Include in the draft NEPM the ability for an "Ongoing Notification and Approval", allowing NEPC to issue, subject to regular review, a notification to include multiple shipments of non-hazardous materials to a single point. OR (preferably)</p> <p>(3) Modify the assessment criteria of controlled waste. The draft NEPM definition would see Nickel Cadmium batteries included in List 1, but with an extremely low hazard characteristic as noted in List 2. The hazard characteristics of this waste are such that in reality the destination jurisdiction is the only point of concern. The waste is not a hazard in transit, but it is appropriate that the destination jurisdiction be confident that any</p>	<p>NiCad batteries are considered to demonstrate a hazard characteristic and will remain on list 1. Jurisdictions are confident that the flexibility within the Measure should allow for the facilitation of collection schemes such as this.</p> <p>Industry approved schemes registered with jurisdictional agencies would be welcomed when developed. There is considered to be sufficient flexibility within the Measure to facilitate the implementation of many approved schemes. Due to the potential diversity of collection schemes and the variability in the risks of management of controlled wastes it is difficult to develop a generic exclusion for all collection schemes.</p> <p>NEPM allows for option 2 to be adopted. Consignment authorisations are presently issued and will continued to be issued for multiple loads for extended periods of time.</p> <p>Individual new batteries are not considered to be dangerous goods and do not require special handling. During recycling individual batteries being returned to a collection centre are unlikely to demonstrate a characteristic on List 2 if they were intact and not leaking. Once batteries are accumulated at a collection point it may be demonstrated that the aggregated batteries</p>

13.Guideline:Features for the establishment of a system for the movement of controlled waste

COMMENT	RESPONSE
<p>such waste arriving in that jurisdiction be disposed of in an environmentally suitable manner. (A15)</p>	<p>demonstrate a characteristic of a controlled waste. It would then be appropriate to ensure that the accumulated waste is transported by a licensed producer and delivered to an approved facility as required by the Measure.</p>
<p>The proposed NEPM fails to identify and assign the appropriate responsibilities. The responsibility for the waste materials must rest with:</p> <ul style="list-style-type: none"> - the generators of the waste until the materials are agreed to be treated at a treatment facility. In this event the generator must liaise with the treater and not a third party operator; and - the waste treatment facility when an agreement is made to treat the materials. <p>Without this link and without redirecting the responsibility of the recording and initiation of acceptance by the waste treater there will always be the doubt on whether the material arrives at the destination detailed. (A16)</p>	<p>This topic is outside the scope of NEPM. Each jurisdiction may assign responsibility for ownership of the waste. It is the purpose of the Measure to ensure that the waste is tracked from the producer to the facility not to assign ownership. The tracking system is designed to clearly define the responsibility to the producer, transporter, and facility in the proper movement and disposal of a controlled waste.</p> <p>The tracking system requires the facility to record receipt of waste and inform the jurisdictions of receipt. Matching producer's notification of disposal with the consignment authorisation assures that there will be no doubt about waste arriving at its intended destination.</p>
<p>These responsibilities must be underpinned by agreements between the waste generator directly with the waste treater. In this way the very great risk of receiving a cocktail of material unannounced at the treatment facility will be reduced, which in turn will strengthen the waste treatment industry's resolve to safely and effectively treat/dispose of waste materials and to continue to improve the performance within the industry. (A16)</p>	<p>Agreed. This is reinforced through the consultation process required for the issuing of a consignment authorisation.</p>
<p>13(f) & (g) - The consignment number should be issued by a delegated facility operator. Obviously one which has the infrastructure and reporting ability to undertake these duties on behalf of the jurisdictions. The consignment number must therefore be issued by the treatment facility and reported as such to the local and national authority. Local jurisdiction activities are then reduced to the policing of the NEPM. This will increase the efficiency of the system from all avenues, particularly from the safety in handling the material and the information</p>	<p>The NEPM allows Agencies to delegate the authority for issuing a consignment authorisations to facilities. Some jurisdictions intend to implement this option. However, the Measure cannot impose any particular method for approving consignment authorisations on individual jurisdictions.</p>

13.Guideline:Features for the establishment of a system for the movement of controlled waste

COMMENT	RESPONSE
transfer relating to handling as well as movement. (A16)	
13(i) - These obligations are necessary for the treatment facility activities. It is the responsibility of the generator and treater to undertake this information transfer and together they advise the receipt and transport activities including compliance with all necessary state regulations. For regular deliveries, the consignment number could be used repeatedly. (A16)	The NEPM allows for this.
Strongly supports the intention of mutual recognition of licences in clauses 13(b) and 13(c) across jurisdictions. Consequently, it appears that the reference to license in clause 13(g)(iii) should be deleted. This would make this clause consistent with the wording in 13(a). (A17)	Sections 13(a), (b) & (c) - refer to licensing of transporters, but 13(h)(iii) (now 13(h)(ii)) refers to a licence issued for a facility which is used as a criterion for issuing or refusing consignment authorisations.
13(g) - Consistent with the NEPC Act, economic considerations should be taken into account when deciding on the issue of a consignment number. (A17)	Introduction of this topic could require the applicant to provide an economic assessment of each movement of waste, which would be extremely burdensome and will not be included. Jurisdictions are committed to the National Competition Policy.
Clause 13(i)(iv) - NEPM should include a maximum response time of 5 working days for regulatory agencies to issue authorisation to transport wastes to designated facilities. (A18)	The NEPM already provides for this whereby a maximum of 5 working days is given to an agency or delegated facility to issue or refuse a consignment authorisation.
NEPM should require regulatory authorities to provide reasons for refusing applications for interstate movement of controlled wastes. (A18)	Clause 13(j)(v) of the NEPM includes this.
13(g)(ii) - This is extremely subjective. What does "of at least equal standard" mean? Equal in what respects? (A19)	This provision has been removed from the NEPM because of the difficulties inherent in making this sort of assessment fairly.
13(e) - This provision needs to be clearer on who issues the consignment number. The impact statement indicates that the destination State will issue the consignment number. (A21)	NEPM has been amended to specify that an agency or delegated facility in the jurisdiction of destination will issue consignment authorisations.
13(f) - The provision requiring consultation will be onerous on the States with high numbers of shipments and could lead to significant delays to industry in receiving approval: eg the impact statement indicates Victoria has over 13,000 imports a year, even at 10 min consultation each would require 1.5	Consultation is an essential part of the NEPM and the extent of consultation will be the responsibility of jurisdictions involved. Present experience has not shown that 1.5 persons are required to work full time issuing consignment authorisations in Victoria. Routine disposal of common wastes often

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COMMENT	RESPONSE
<p>people years.</p> <p>The State receiving the waste should only be required to consult where it considers it to be appropriate. (A21)</p>	<p>require very short consultation.</p> <p>The NEPM allows for consultation between States and Territories. Consultations are likely to be minimal for wastes that are transported routinely and whose hazard characteristics are well known and a single consultation may be sufficient for multiple waste movements.</p>
<p>13(g) - This provision will be almost impossible to comply with. It means that each and every State will need to have information on the current status, capability and performance standard for all waste types of every facility in Australia receiving controlled waste. Experience has shown that the performance of a facility for a particular waste type is not always known. (A21)</p>	<p>This clause has been amended to remove the necessity to make such assessments. It allows for common consideration of certain matters (but not limited to these) before issuing or not issuing a consignment authorisation, such as consideration of environmental protection policies and legislation which will assist in meeting environmental outcomes of the Measure.</p>
<p>It could be made clearer which participating jurisdiction is to perform the relevant tasks; this is described in the Impact Statement but not the NEPM. (A21)</p>	<p>The NEPM has been amended for clarification with regard to information requirements by all parties. More detailed explanation of responsibilities will be provided on implementation.</p>
<p>13(h) - It is almost essential to have a standard form that must be completed by typing or computer. (A21)</p>	<p>The NEPM places the responsibility on the agency in the State or Territory to ensure relevant information is provided by all parties. Jurisdictions are presently working together to develop a consistent information and application system.</p>
<p>There needs to be a requirement that all loads need to be weighed within a certain distance of the generator or before crossing into the destination State. (A21)</p>	<p>Waste quantity information is a requirement on the producer as set out in Schedule B. The amount of waste may be described either as a weight or volume and will be certified as correct by the producer or his agent. Failure to provide accurate information is punishable under jurisdictional law.</p>
<p>13(k) - The collation of information will be quite difficult. There needs to be a time requirement within which the information is provided to the jurisdictions by the producers and facilities. (A21)</p>	<p>Obligations on producers and facilities will be provided for in conditions attached to licenses or through other regulatory requirements. This is an implementation issue to be addressed by participating jurisdictions.</p>
<p>There also needs to be a system for closing the information loop - that is, the waste produced must match up with the waste received through the consignment numbers. (A21)</p>	<p>Matching transport and delivery by the consignment authorisation will close the loop. Consignment authorisations will include a unique identifier for each load or consignment.</p>
<p>13(e)-(g) - Support the use of consignment</p>	<p>Noted. NEPM now refers to consignment</p>

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COMMENT	RESPONSE
numbers and prior approval. (A22)	authorisations for clarity.
No hazardous waste should be exported interstate for final disposal in either a licensed landfill or for incineration. Neither of these disposal methods is environmentally sound nor will they reduce the impact of hazardous waste on the environment. (A22)	Noted. It is the decision for each jurisdiction to make this assessment in accordance with existing relevant State and Territory policies. The goal of the Measure is to ensure that when transport of controlled waste occurs, it is properly tracked.
13(h) - The NEPM should be implemented via a GPS based electronic waste tracking system to monitor the movement of hazardous waste and its disposal. (A22)	NEPM is sufficiently flexible to allow for GPS and electronic tracking, but this is the responsibility of each jurisdiction. The focus is on outcomes; means are matters for individual jurisdictions.
A national database of approved hazardous waste facilities and transporters should be established to help Australia assess its progress in meeting its Basel obligations and reducing the impact of hazardous waste on the environment. (A22, A24, A29)	This information is publicly available from jurisdictions. The NEPM will encourage jurisdictions to consolidate the existing register of licensed facilities and transporters, and to exchange this information. This issue is being considered as part of implementation.
If systems of tracking waste are not compatible between jurisdictions then this would place an enormous strain on industry and the system. Recommend that the NEPM extend its scope to include the compatibility of state tracking systems.(A17, A23)	Jurisdictions recognise this concern. The NEPM provides for consistency in achieving outcomes and provides for the integration of State & Territory systems for the purpose of cross-border movements of controlled waste. Jurisdictions are working together to provide a consistent approach to implementation of the Measure.
Unfortunately the NEPM is a guideline and not enforceable legislation. It is to be implemented by the jurisdictions, but will that ensure uniformity? Application may still vary somewhat from state to state. (A24, A29)	The NEPM will be implemented by jurisdictions, through legislation, and aims to provide equivalent outcomes. It will be legally enforceable by jurisdictions. The NEPM is designed to provide consistency in outcomes in all jurisdictions. Lack of uniformity need not detract from this.
The entire principle of consignment notes is unnecessary and is only an extra layer of bureaucracy within the system to raise government revenue. It appears that consignment notes have only been included because some states have environment protection legislation which require it. The system should be very simple, namely: 1. the waste transporter is approved; 2. the waste receiver is approved; 3. the waste tracking system is approved; 4. movement of waste becomes a simple business transaction between approved companies using an approved waste tracking	At present, no jurisdiction charges for issuing consignment authorisations (beyond the cost of Waste Transport Certificates in some jurisdictions). Consignment authorisations referred to in the NEPM provide a way of determining the appropriateness of moving controlled wastes. The unique identifier (number) of each consignment when compared with waste disposal documentation will ensure waste reaches an appropriate destination. There is no current legislation in jurisdictions requiring consignment authorisations.

13.Guideline:Features for the establishment of a system for the movement of controlled waste

COMMENT	RESPONSE
<p>system; 5. this should apply to inter and intra-state hazardous waste movement; 6. there is the need to be able to audit the tracking system at any time. (A24, A29)</p>	<ol style="list-style-type: none"> 1. NEPM requires the transporter to be licensed. 2. NEPM requires the facility to obtain authorisation. 3. This is a purpose of the NEPM to achieve agreed outcomes. 4. Agreed, provided transport and facility standards are met. 5. Intrastate movement of waste is outside the scope of the NEPM. Some jurisdictions have been operating separate intrastate tracking systems for years now. 6. Agreed. Auditing / enforcement is a jurisdictions responsibility and will continue.
<p>Each jurisdiction shall be 'approving' waste transporters and disposers plus waste tracking systems. There is a need for uniformity and consistency when approving such facilities or systems to avoid double standards. (A24, A29)</p>	<p>Agreed - there will be national consistency in transporter licensing to meet agreed outcomes. Assessment and licensing of facilities is a jurisdictional responsibility.</p>
<p>If it is the case that one of the requirements of this NEPM is that waste tyre transporters are required to complete two sets of documentation, one in relation to the Industry operated tracking system (specifically for the movements of tyres), and another to comply with a wider controlled waste NEPM, then the tyre industry would be concerned about the administrative burden placed upon both itself and the transport industry, as a result. It is the view of the Association that the Inquiry should carefully ascertain whether or not the information which is required to be produced under the proposal upon the interstate movement of tyres is unnecessary and onerous. It is industry's view that all of such information may be necessary in the case of wastes which are truly hazardous, but not all of this information is required in the case of tyres, which are not, of themselves, hazardous. (A26)</p>	<p>Accompanying information with consignments of controlled wastes will assist emergency services in case of an accident and will be used for reporting purposes to planning and regulatory agencies.</p> <p>The documentation required is minimal and much, if not all, of it could be used repeatedly for shipments of the same waste. Multiple shipments of the same waste to the same facility can be covered by a single standing consignment authorisation, which further reduces the requirement for consultation and extra administration.</p> <p>Jurisdictions can be expected to ensure that unnecessary impediments to trade are not imposed, provided the goals of the Measure are met.</p>
<p>The wording of these clauses should acknowledge that, in some circumstances, participating jurisdictions should agree to recognise licenses issued under Industry Waste Management Plans, which have been</p>	<p>Licences referred to in the NEPM relate to vehicle(s) involved in moving controlled wastes. Licences to transport waste are only issued by environment agencies. The Measure will allow these to be recognised in</p>

13.Guideline:Features for the establishment of a system for the movement of controlled waste

COMMENT	RESPONSE
<p>approved by the appropriate government as in the case of Waste Tyres. The development of industry waste management plans in the case of tyres should involve mutual recognition by each of the jurisdictions of the respective management plans of the other jurisdictions. The different licensing regimes should also receive this recognition. For this reason, ATMA supports this proposal and notes the comments made in the statement. (A26)</p>	<p>all jurisdictions for the purposes of transporting controlled waste across State and Territory boundaries.</p> <p>Support noted.</p>
<p>13(i) - this clause does not make it clear that, in the case of tyres, the industry itself will be maintaining statistics of both intra- and interstate scrap movements. As this obligation has been assumed by industry on behalf of and with the support of Government, all jurisdictions who take up the NEPM must recognise industry's commitment in this regard. (A26)</p>	<p>Jurisdictions recognise the work done by ATMA in this regard.</p> <p>Existing work by AMTA and Government will save time and effort and be beneficial to industry in fulfilling its obligation under the NEPM.</p>
<p>12(j) -In the case of maintenance of records, it should be acknowledged that the maintenance of records by industry pursuant to an industry waste management plan approved by Government is sufficient compliance by that Government with the requirements of the legislation. (A26)</p>	<p>Provided that the waste management plan provides for retention of records for at least 12 months and includes the relevant information required in Schedule B, this is acceptable.</p>
<p>ATMA would be concerned if the implementation of a consignment based system led to delays and inconvenience in the orderly and legal interstate transportation of used tyres. (A26)</p>	<p>Consignment authorisations are usually granted on the day of request, and under certain circumstances may be issued for a waste stream over time, rather than for each load.</p>
<p>ATMA agrees that the waste generator and the waste transporter must provide appropriate and accurate particulars on the movement of waste tyres. (A26)</p>	<p>Agreement noted and appreciated.</p>
<p>Support clause 13(e) to 13(g), regarding the issue of consignment numbers, but would suggest that 13(g)(ii) be amended to specify that hazardous waste should only be transported from any facility to another which is if a higher environmental standard. (A27)</p>	<p>Support noted. The NEPM is not intended to restrict movements between States and Territories when these are destined for an appropriate licensed facility for that type of controlled waste. Standards of facilities are the responsibility of jurisdictions.</p>
<p>The transport of hazardous waste may be necessary to ensure the best treatment/disposal but, notwithstanding this Measure, should be minimised. (A27)</p>	<p>The NEPM provides guidance only on the appropriateness of issuing a consignment authorisation. Waste movements will be subject to relevant State and Territory environment protection policies and</p>

13.Guideline:Features for the establishment of a system for the movement of controlled waste

COMMENT	RESPONSE
	legislation.
Clause 13(g)(iv) should be amended to include the words "appropriately licensed to receive controlled waste" after "landfill facility". (A27)	This clause has now been removed. Clause 13(h)(ii) requires that jurisdictions consider relevant environment protection policies and legislation, which will assist in meeting the desired environmental outcomes. Facilities must be licensed to receive a controlled waste.
Clause 13(h) should state that a nationally compatible tracking system, preferably GPS, should be put in place, and the use of docketts and logbooks should be phased out. This would ensure that responsibility is placed on management rather than individual employees. (A27)	The Measure allows for GPS and electronic tracking to be developed as jurisdictions become ready to introduce future systems. Implementation will occur in each jurisdiction so that agreed environmental outcomes are met. Some jurisdictions may still opt for a paper based tracking system. Responsibility of management and employee is determined by jurisdictions' legislation.
A national database of transporters and facilities should also be established. (A27)	This information is publicly available from most jurisdictions or, in some instances, through relevant FOI legislation.
The provisions under clause 13(i) and (j) are adequate, but would suggest that clause 13(j) require simply that all information required under Schedule B be maintained for no less than 12 months, and preferably for at least three years, to allow performance measurement. (A27)	Twelve (12) months is considered as the shortest time for maintenance of records in order to meet the annual reporting requirements under the NEPC Act. Jurisdictions generally require records to be kept for longer periods.
With respect to furnishing of information, that as specified under 12(j) (Schedule B), and additional information or non-compliance, breach of licence, accidents or illegal dumping be maintained by the jurisdictions. (A27)	This information is kept by jurisdictions and is publicly available to varying degrees according to policy and legislation in place in each jurisdiction.
Recommend that a national collation of this data be maintained to allow performance measurement of the outcomes of the Measure. This information should be available to the public. (A27)	The nationally collated information will be publicly available through annual reporting to the NEPC, which will be tabled in the Commonwealth parliament and in each State and Territory parliaments.

14. Guideline: Failure to provide information, or giving false or misleading information

COMMENT	RESPONSE
Without national uniform enforcement: - it is difficult to see how the NEPM can achieve its key environmental objective of providing 'equivalent protection'; - toxic 'hot spots' will emerge where the	Enforcement of the NEPM is the responsibility of the jurisdictions and will be undertaken in accordance with each jurisdictional enforcement policy. The NEPM puts an obligation on the States and

14. Guideline: Failure to provide information, or giving false or misleading information

COMMENT	RESPONSE
<p>lowest environmental standards exist and where companies take advantage of a lack of willingness to prosecute; - less incentive for responsible companies to invest in more environmentally sound facilities and practices. (A22)</p> <p>Recommend that: (1) the reporting of all hazardous waste movements between or transiting jurisdictions be mandatory; and (2) the NEPM include a clear hierarchy of sanctions to be applied for false, misleading and non-reporting of hazardous waste movements and for illegal dumping. These sanctions should include on the spot fines, withdrawal of licences and imprisonment for serious and repeat offenders. (A22)</p>	<p>Territories to take enforcement action for failing to provide information or providing false or misleading information. It is anticipated that the NEPM will help in reducing or preventing such occurrences.</p> <p>The tracking system requires reporting of waste movements to jurisdictions and increases their capability to identify any 'hotspots'. Consolidated information from the system will allow for strategic planning in regard to the management of controlled waste.</p> <p>Sanctions will be determined by the relevant jurisdiction's legislation.</p>
<p>To achieve desired outcomes, compliance with the Measure must be mandatory and supported by appropriate sanctions, particularly for repeat offences. There are currently no provisions in the Measure to ensure compliance. The Measure should strongly recommend appropriate sanctions to ensure the Australian community, workforce and environment receive equal protection from the risks of the transport of hazardous waste. The Measure should clearly state that managers/owners of facilities and transport operations are responsible for compliance with the Measure. (A27)</p>	<p>Jurisdictions will be responsible for the enforcement of the Measure. Compliance and enforcement provisions cannot be built in to the Measure. Clause 13(j) clearly states the responsibility of producers, transporters, and facilities in complying with the Measure. States and Territories will be bound by the Measure to ensure compliance within their jurisdiction.</p>

15. Confidentiality

COMMENT	RESPONSE
<p>Unless some formal application system is put in place, and approval numbers granted, we will suffer the same problem as occurs with many Material Safety Data Sheets (MSDS). In an endeavour to protect formulations some organisations leave vital information off MSDS and enter "commercially secret" or "proprietary blend". Unless that so-called secret information is readily available, via the approval number, at the time of a spill or accident problems will be exacerbated by the lack of information. (A3)</p>	<p>Appropriate information including controlled waste classification and properties will be required in order to assess whether a consignment authorisation will be issued or refused. Failure by the producer to provide information will result in a consignment number being refused. Intra-State tracking systems that have been in use for over 12 years now and this has not been shown to be a major problem</p>
<p>Provisions for commercial confidentiality</p>	<p>The NEPM makes provision for commercial</p>

15. Confidentiality

COMMENT	RESPONSE
<p>must be made, including written notification of any commercial information being released in any form. (A4)</p>	<p>confidentiality where justifiable. Release of information is subject to jurisdictions' legislation.</p>
<p>The criteria for claiming "commercially sensitive" or "national security" as grounds for confidentiality need to be spelled out in clause 13, and be such that confidentiality would apply to few cases. The granting of confidentiality should expire after a set time – possibly 12 months. (A27).</p>	<p>Clause 15 refers to assessment of claims for confidentiality to be subjected to existing relevant legislation (eg. FOI legislation), and expiry times may well be determined by such laws.</p>
<p>There is no guaranteed community access to information generated by the NEPM. (A22)</p> <p>Welcomes the onus placed on the producer, transporter or facility operator to prove commercial confidentiality. However, we find it inconsistent to then provide a number of undefined exemptions like commercial sensitive information and national security. This is only further undermined by clause 15(c)(ii), which allows individual jurisdictions to determine what is commercial confidence.</p> <p>Recommend that:</p> <ol style="list-style-type: none"> 1. clause 15(c) be removed and that the term 'commercially sensitive information' be removed from clause 15(a); 2. the NEPM require jurisdictions to collate information: <ul style="list-style-type: none"> – as required under 13(k); – any incidences of non-compliance; – any incidences of licence breaches or accidents; – any incidences of illegal dumping; 3. the Commonwealth ensure that information collated under recommendation (2) be available for community access on demand; and 4. that any amendments to the schedule of hazardous waste incorporate: <ul style="list-style-type: none"> – sufficient time and resources for effective community consultation; – independent peer review of any addition or removal of particular hazardous wastes; and – that the precautionary principle apply when considering their hazardous status. (A22) 	<p>The annual report of the NEPC is a public document. FOI provisions exist in all jurisdictions.</p> <p>These obligations already exist at jurisdictional level through existing relevant legislation. Clause 15 sets out transparent principles and assessment guidance which will be subject to existing relevant legislation on confidentiality matters.</p> <p>Claims for commercial confidentiality, where substantiated as genuine and accepted under a jurisdiction's laws, must be respected by agencies.</p> <p>License conditions typically require reporting of incidents/ discrepancies and records are generally maintained in most jurisdictions.</p> <p>The NEPM allows for this.</p> <p>The Measure will now be subject to a comprehensive review 5 years from the date of commencement. Any amendments are subject to a full NEPM process including public consultation.</p>

Schedule A – List 1

COMMENT	RESPONSE
<p>In general, welcomes the definition and controls over the movement of controlled waste as it provides a framework within which reputable companies are able to achieve and offer effective and efficient solutions. (A1)</p>	<p>Noted and appreciated.</p>
<p>Declassification of the waste from the controlled waste regulations would not be sufficient to provide a level playing field. The opportunity of those importers and manufacturers to opt out of an industry-administered scheme to save costs would create a non-level playing field. Industry needs to have the imprimatur of legislation to ensure compliance by recalcitrants. (A1)</p>	<p>The NEPM provides certainty for legitimate recyclers and a “level playing field” for transporting and disposing of wastes. Controlled wastes, even if intended for recycling and reuse, are environmentally hazardous and must be regulated.</p>
<p>The list needs refinement. To permit agencies to put their own qualifiers or quantification invites differences. (A3)</p>	<p>The application of the definition of waste and the use of List 1 and List 2 provides for a consistent approach in determining if a waste is a controlled waste and applies equally across all jurisdictions. The Measure has been amended so it will now be the responsibility of the producer to demonstrate that a waste, on List 1, does not meet the criteria of a controlled waste and the Measure does not apply.</p>
<p>The entry “Containers and drums which have contained a controlled substance” needs tightening since the document does not define controlled substance (except perhaps by inference) so it could mean controlled by the SUSDP of the ADG Code, similarly in each state or territory a list of ‘hazardous substances’ appears in Workplace Health & Safety Regulations, Poisons Acts etc. (A3)</p>	<p>For clarification, this entry in List 1 has been amended to make reference to residues of substances found in List 1.</p>
<p>On pages 12-13 of List 1, there are a series of entries “Wastes from...” which are too general, and while qualified elsewhere by saying that wastes per se must meet the criteria of List 2, that qualification should also appear in List 1 to avoid confusion. (A3)</p>	<p>These are internationally recognised descriptions of waste, and clarification for users (with examples of common wastes) will be provided through information bulletins when participating jurisdictions implement the NEPM.</p>
<p>In its current form, the definition of ‘waste’ encompasses materials such as processed fly ash which is frequently transported interstate for inclusion in portland cement concrete and other value-added applications. The definition is too broad and should not encompass bona fide by product resources selected or processed from otherwise waste</p>	<p>Fly ash remains on List 1. It is an internationally recognised waste and in some circumstances is contaminated with heavy metals. However, if it can be demonstrated by the producer that it does not exhibit one or more characteristics on List 2, such as toxicity through contamination with heavy metals, the NEPM will not apply.</p>

Schedule A – List 1

COMMENT	RESPONSE
<p>materials. If fly ash is to be included in List 1, it should be defined. Fly ash from coal burning power stations in Australia has no place in List 1. Fly ash is:</p> <ul style="list-style-type: none"> – a safe and valuable resource; and – commonly used in construction and agriculture on a worldwide basis. (A5) (A6) 	
<p>Should it be deemed necessary to retain the current definition of ‘waste’ and inclusion of fly ash in List 1, we would respectfully suggest an exemption for fly ash used with portland cement or lime as a supplementary cementitious material in construction. This is justified by the well-documented and long-term use of fly ash in concrete in Australia. (A5) (A14)</p>	<p>Contaminated fly ash to which the NEPM would apply may also be subject to a new exemption under clause 9, which allows direct reuse (without prior treatment or processing) as an input into a manufacturing process.</p>
<p>The reference to radioactive wastes should specify “Radioactive wastes where the transport of these wastes is not regulated by other legislation”. (A9)</p>	<p>This entry has been removed. All radioactive waste is regulated by specific radiation control legislation in all jurisdictions.</p>
<p>The waste streams defined are in some instances fairly broad and have the potential to capture a much wider cross section of the industry than possibly intended. These specific examples are:</p> <ul style="list-style-type: none"> – Animal effluent and residues – does this include effluent and manure produced at piggeries, feedlots and intensive dairy farms? – Contaminated soils – this needs further definition otherwise almost all soils would be captured as they could contain Infectious Substances under List 2 (H6.2) – Organic Phosphorous Compounds – does this include substances that contain these compounds (eg animal manure)? (A11) 	<p>Only if it demonstrates a characteristic on List 2, or is also contaminated with other substances on List 1.</p> <p>This entry has been changed to read “Contaminated soils – meaning soils contaminated with a waste in this List”.</p> <p>The phosphorous in animal manure is phosphate and is of the inorganic form.</p>
<p>List 1 includes non-toxic salts. As there are few things that are truly “non toxic”, it would be more appropriate to say “Low toxicity salts”. (A12)</p>	<p>Previous experience has shown that this is an appropriate description. These wastes may also exhibit one or more of the other characteristics on List 2. If they do not, the Measure does not apply.</p>
<p>As part of the aluminium extrusion process, we produce 1,000 tonnes of 30% caustic solution per annum in NSW. The caustic solution is used to dissolve aluminium from steel dies. When the aluminium concentration is too high, the solution must be dumped. We currently dump this solution at a Waste Services plant in Sydney. An</p>	<p>Places that accept waste for processing need not be subject to a license in some jurisdictions, but must be approved so that they meet the jurisdictional environmental requirements. Clause 13(h)(i) requires that the receiving facility is approved or licensed to receive controlled waste. The NEPM does not impinge on recycling and reuse and these</p>

Schedule A – List 1

COMMENT	RESPONSE
<p>alternative exists to reuse caustic solution at the QAL alumina factory in Queensland. It is a preferred route of disposal because it is being reused rather than dumped.</p> <p>The current regulations for interstate transport of hazardous wastes require that the disposal facilities for those wastes be licensed and impose transport procedures that are stricter than those for the transport of dangerous goods (such as 50% liquid caustic soda). QAL is not a waste treatment facility. The stricter transport procedures impose prohibitive costs. Consequently, the opportunity to reuse this caustic solution will be lost leaving us with dumping as the only option.</p> <p>Waste management principles are to reduce, reuse, and recycle before we consider dumping. Could you consider this case in your review of these regulations and modify the regulations to enable us to reuse this caustic solution. (A13)</p>	<p>will still be encouraged by the jurisdictions. The NEPM does not prohibit the reuse of caustic wastes as long as these end up in a facility suitable for this waste. A licensed transporter will only be required if the waste is a controlled waste defined by the Measure. Should the waste be determined to be a controlled waste and be suitable for direct reuse in a manufacturing process it may be exempted from parts of the Measure through an amendment to clause 9 designed to facilitate direct reuse. A tracking system will ensure that wastes are disposed of properly through legitimate recyclers. QAL may be such a facility subject to jurisdictional approval.</p>
<p>List 1 should include alkalis. (A16)</p>	<p>This category is covered under “Basic solutions or bases in solid form”.</p>
<p>Replace "Halogenated organic solvents" with "Halogenated organic compounds".</p> <p>Replace "Heterocyclic organic compounds" containing oxygen, nitrogen or sulfur with "Organic compounds" containing ... " (A16)</p>	<p>Both of these categories are covered on List 1.</p> <p>This category has been removed from List 1.</p> <p>This reflects internationally recognised definitions.</p>
<p>Include all Chromium compounds not just Hexavalent compounds. (A16)</p>	<p>Now includes trivalent chromium. Covered in List 1 under generic heading.</p>
<p>Include descriptions of 'pesticides' and 'reducing agents'. (A16)</p>	<p>Those of concern are on the existing list – the term “reducing agents” is considered to be too broad.</p>
<p>Replace the general categories of "Waste from the production, formulation and use of..." with "Waste from the production, formulation, recycling, use and treatment of..." (A16)</p>	<p>The wording used in List 1 reflects accepted international precedent and remains for consistency.</p>
<p>Include a description of "Textile effluent". (A16)</p>	<p>The description is considered too broad; those of concern are on the existing List 1.</p>
<p>It is critical that the NEPM is interpreted and applied consistently across all States and Territories. For example, the NEPM will be useless if there is a difference between definitions and means of determining Controlled Waste. Consequently, it is</p>	<p>The NEPM incorporates a list, which has been agreed by all participating jurisdictions, of wastes associated with internationally recognised hazard characteristics and mutually recognised impacts on the environment. The producer will be required</p>

Schedule A – List 1

COMMENT	RESPONSE
<p>recommended that a common list of Controlled Wastes be developed which would apply consistently across the jurisdictions. It would seem prudent that an agreed scientifically sound risk-based methodology be used to develop this common list. (A17)</p>	<p>to assess the characteristics and refer this information to jurisdictions.</p> <p>The list of controlled wastes includes wastes domestically identified as being of concern and internationally recognised descriptions. Clarification for users will be provided through information bulletins during implementation.</p>
<p>Establishment of an effective and ongoing Technical Committee to assess applications for including or exempting certain wastes in the NEPM. (A18)</p>	<p>The NEPM allows for advice to be sought as required, including advice from the Commonwealth's Hazardous Waste Technical Group established for the purposes of advising on matters under the Hazardous Waste Act.</p>
<p>The waste definition is extremely broad. It would conceivably include many materials, which are by-products of one manufacturing operation, even if they are valuable raw materials for another. It also includes things such as used tyres, which are regularly used in the freight transport industry as dunnage to prevent damage of valuable cargo. They are constantly travelling across the country. The volumes used in this way are inconsequential in comparison with the national used tyre mountain and their inclusion in this NEPM would create a major administrative task.</p> <p>Tyres are certainly not Flammable Solids as defined by UN and are therefore not Class 4.1. Nor do they meet any of the other 'Hazard Codes' or 'Other Reasons' listed, only H6.2 could possibly be relevant to waste tyres. They are therefore not controlled wastes as defined and should be removed from List 1. (A19) (A26)</p>	<p>Experience has shown that tyres have the potential to have a significant effect on the environment, as they can typically exhibit characteristic H4.1 (including a negative impact on ambient air quality) if they are burned and hence they remain on List 1. Inappropriate disposal is a serious problem with used tyres and tracking is justified.</p> <p>Tyres still in use do not meet the definition of wastes.</p>
<p>The definition of a controlled waste is appropriate, and the Schedule A List 1 Waste Categories, the list detailing the hazardous characteristics of controlled waste (List 2), and the information that is to accompany controlled waste during transit (Schedule B) are extensive and appropriate. (A8)</p>	<p>Support noted.</p>
<p>The Impact Statement presents a number of arguments against quantity and concentration thresholds. While not every waste in List 1 can be dealt with in this way, for some quantities and thresholds can be set</p>	<p>Detailed knowledge of the relationship between the concentration or quantity of a substance and its exhibition of a controlled waste characteristic on List 2 will allow a producer to make an accurate judgement as</p>

Schedule A – List 1

COMMENT	RESPONSE
<p>with out doing risk based assessment. Producers who do know the content and analysis of their waste can thus have it dealt with appropriately. (Producers who do not analyse their waste probably should if it is controlled waste.)</p> <p>Unless concentration and quantity thresholds are set then many innocuous waste streams will be caught in the system, which will become increasingly difficult for both industry and the regulators to administer. The problem arises because of the generic wastes identified in List 1 will catch all types of wastes which may not be harmful to the environment or health eg acid solutions could apply to a bad batch of wine. (A21, A24, A29)</p>	<p>to whether the Measure applies to the substance or not. However, for thousands of chemicals this information is unavailable and defining strict concentration or quantity limits would require extremely expensive and time consuming research for each chemical. This is further complicated by the fact that many controlled wastes consist of a mix of chemicals, which makes the establishment of quantity and concentration limits even more difficult. The application of the characteristics in List 2 provides a consistent and reliable approach to determining risk associated with a substance. The application of concentration and quantity limits would be extremely onerous for both industry and jurisdictions, without providing a corresponding increase in minimising risks associated with the transport of controlled waste.</p>
<p>Recommend that the NEPM incorporate the newly adopted annexes of hazardous waste adopted at the Fourth Conference of Parties of the Basel Convention in February 1998. (A22, A27)</p>	<p>The new annexes to the Basel Convention were developed too late to allow any public consultation on their inclusion. As a result of extensive consultation undertaken, List 1 provides relevant and appropriate coverage of wastes that should be subject to the NEPM.</p>
<p>If 'home occupation' gives rise to a Schedule A waste, and then this 'domestic waste' must be included. Similarly, nightsoil and septic tank wastes from domestic premises must be included. (A24, A29)</p>	<p>The NEPM applies to waste from business, commercial, trade, and industrial or business activities. Cities and local governments manage domestic household waste. Controlled waste from commercial enterprises operating from a home would be covered by the NEPM, if meeting the criteria set out in List 1 and List 2.</p>
<p>The NEPM and associated Impact Statement needs to clarify:</p> <ul style="list-style-type: none"> - are the animal wastes listed under animal effluent in Schedule A examples or a comprehensive list of what will be controlled wastes of this nature? - need to define what is meant by contaminated soils; and - if the NEPM will cover the interstate transport of wastes such as animal effluent and sewage sludge will land application of the waste, for example to agricultural land, be recognised as an appropriate controlled waste facility? (A25) 	<p>A comprehensive list will be issued in the implementation phase of the NEPM.</p> <p>This category has been changed to “Soils contaminated with a controlled waste”. The appropriate management techniques will be regulated by the agency in the State or Territory of destination.</p>
<p>Although it would seem to be the intention of</p>	<p>The NEPM does allow for wastes destined for</p>

Schedule A – List 1

COMMENT	RESPONSE
<p>the definition, it is not clear whether or not the definition of "Waste" includes used tyres which are to provide a casing for the purposes of the retreading process. Its inclusion is important, as retreading is a vital component of the industry solution to scrap tyre management. (A26)</p>	<p>direct reuse subject to an exemption from some requirements under the provisions of clause 9 and would apply to tyres destined for retreading.</p>
<p>Quantity thresholds are determined in some jurisdictions. ATMA contends that all movements of used tyres should be caught by the NEPM except where small quantities, for example, less than five passenger tyres, are being transported. (A26)</p>	<p>The NEPM applies to waste from business, commercial, trade or industrial activities. The Measure does not set quantity limits for controlled waste. Less than 5 passenger tyres are unlikely to be sufficient quantity of the waste to exhibit a characteristic on List 2 for the Measure to apply.</p>

Schedule A – List 2

COMMENT	RESPONSE
<p>UN Class 4.1 H4.1 - should use the definition given in the ADG code as this "Reason for Control" is too loose and would include wooden pallets, paper wrappings and so on, all of which are 'readily combustible'. UN classes 6.1 H6.1 and 9 H11 - could sensibly be combined rather than the reversion to the ADG term 'poisonous'. The joint classification should use the ADG name 'Toxic' and consist of the same phrases separated by "OR".</p> <p>UN Class 9 H13 - the definition is too loose since ordinary water meets the criteria. Suggests staying with the ADG Code for all Class 9 substances under the generic heading of "Environmentally Hazardous Substance, Liquid (or Solid) N.O.S." and move 9 H10 back to the class it rightfully belongs in as "4.3 Water Reactive Solid (or Liquid), Toxic N.O.S.". (A3)</p>	<p>The reference to "reason for control" as a heading in List 2 has been removed for clarity. The NEPM has adopted the internationally recognised characteristics that are used for assessing wastes. Characteristics on List 2 are only applied to materials which meet the definition of waste <u>and</u> which are found on List 1. Wooden pallets are not on List 1 and will not be subject to this Measure.</p> <p>These classifications correspond with those internationally recognised characteristics. Ordinary water would certainly not demonstrate a characteristic on List 2.</p>
<p>Substances which only liberate toxic gases in contact with air should be dealt with on a case by case basis since they are relatively few and far between and are usually covered in a different classification anyway. (A3)</p>	<p>Noted. The NEPM applies internationally recognised hazard standards.</p>
<p>Can a substance which exhibits one of these characteristics (which although not mentioned in List 1) become a controlled waste by default (eg piggery manure and effluent could easily fit the definition of Infectious Substances H6.2 due to the level of</p>	<p>In order for a waste to be controlled waste, it is necessary for it to be on List 1 and, unless demonstrated otherwise, it is taken to exhibit one or more characteristics in List 2. If necessary, a producer should seek from the agency, or facility responsible for issuing the</p>

Schedule A – List 2

COMMENT	RESPONSE
E. coli they contain in their natural state). (A11)	consignment authorisation, for assistance in classifying a substance if uncertain of its characteristics.
The inclusion of "Radioactive wastes not covered by other legislation" in List 1 seems inappropriate. Radioactive wastes are regulated by all jurisdictions under specific radiation control legislation, and the Commonwealth is expected to introduce legislation in the near future for similar radiation control in its places and undertakings. Radiation control authorities are addressing any problems of inconsistency of definitions under an agreement of the Australian Health Ministers' Conference. Transport of all radioactive material, whether in use or waste, is controlled in all jurisdictions by regulations based on the International Atomic Energy Agency's recommendations. (A12)	This entry has been removed. All radioactive waste is regulated by specific radiation control legislation in all jurisdictions.
If UN classification is to be one of the criteria, the description of the individual classes must align with those in the UN recommendations, as reproduced in the recently revised ADG Code Edition 6. These descriptions, in the main, do not. The column headed 'Reasons for Control' does not give reasons, just a description of the hazards. (A19)	The UN classification in the ADG relates to dangerous goods, and is not principally concerned with wastes. Characteristics in List 2 are internationally recognised for assessing wastes and correspond with those in the Basel Convention.
The role of interpreting this table is left with the regulators and so the decision on a waste category would be subject to inconsistent application across Australia. (A21)	The NEPM incorporates an agreed list of wastes including those associated with internationally recognised hazard characteristics. The NEPM has been amended so that the producer will be required to assess the characteristics of their waste and provide this information to jurisdictions or licensed facilities. In order for a waste to be controlled waste, it is necessary for it to be on List 1 and unless demonstrated otherwise it is taken to exhibit one or more characteristics in List 2.
Recognises the need for a system of identifying those wastes requiring monitoring. However use of a classification system that differs significantly from those currently being used will only provide a barrier to its effectiveness. The substances in List 1 contain substances that in many jurisdictions are not classified as hazardous and are not subject to control. Their	The lists are consistent with those used under the present ANZECC guidelines and internationally recognised lists pertaining to hazardous wastes. Jurisdictions support the adoption of List 1, and do not expect there is a contradiction between List 1 and jurisdictional lists.

Schedule A – List 2

COMMENT	RESPONSE
<p>inclusion in this list would be inappropriate unless their transport would be seen as a threat to the environment eg tyres.</p> <p>Recommend that the classification system be drawn from the current lists used by jurisdictions and that the UN Classification codes be abandoned for a simpler system of identifying environmental harm. (A23)</p>	<p>A single list of wastes in the NEPM will assist in providing more uniformity between jurisdictions.</p>

Schedule B

COMMENT	RESPONSE
<p>Tracking system must make provision for multiple collections, and enable transporters to complete one form for all collections on one vehicle. Without this option, the system will not be workable in some industries without major time constraints. (A4)</p>	<p>The definition of “producer” has been altered to allow for this through an appropriately approved “agent”.</p>
<p>Provision must be made for either paper or electronic tracking on economic grounds. (A4)</p>	<p>The Measure allows for these options.</p>
<p>Need to carefully detail the method of identification of the various containers and transport vehicles used for the interstate carriage of controlled waste. Prime movers are often exchanged on bulk tankers, and it will be important that the tanker registration and/or identification number be clearly identified on the consignment papers. Similarly, identification numbers for lift-on/lift-off ISO and mini-bulk containers will need to be noted. These identifiers will be more important than the vehicle registration numbers, although it may also be useful to record these. (A7)</p>	<p>The identification of containers will be administered by jurisdictions. Implementation will provide consistency of approach with ADG and existing waste transport requirements. No significant change to existing requirements is anticipated.</p>
<p>In general the defining of the codes, contaminants, producer identification number, and others must be carefully considered so that a uniformity of the information allows the information to be utilised in an effective manner. This is not detailed in the draft NEPM. (A16)</p>	<p>Guidelines will be developed during the implementation process. It is likely that the codes will be similar to those presently in use.</p>
<p>Guidelines clarifying operation of Schedule B should be developed outside the formal NEPM process with NEPC support.</p> <p>The Technical Committee should carry out development and improvement of guidelines defining Schedule B, and assist in improvement of national tracking details.</p>	<p>Agreed. Jurisdictions are currently developing guidelines and information bulletins to assist both industry and regulators.</p>

Schedule B

COMMENT	RESPONSE
<p>Consider a better definition of Schedule B fields as follows:</p> <ul style="list-style-type: none"> • defining the intangible fields (ie type of package) • setting the mandatory minimum set of fields to be used • identifying potential duplication in fields, and allowing use of one or the other • use and management of fields electronically, including: <ul style="list-style-type: none"> - standardising field length - standardising types of characters (ie numeric etc) - relating shorthand codes to standard lists - generation of field delegators, so electronic readers can distinguish between fields. (A18) 	<p>Consideration will be given to these valuable suggestions as jurisdictions formalise the procedures and protocols for implementing the NEPM.</p>
<p>The amount of detail required in Schedule B is probably the greatest stumbling block for rail's involvement in this process. It is additional to what is required for other hazardous cargoes (ie Dangerous Goods) and therefore not catered for in the extensive computer system we have installed. Given that movements of controlled wastes constitute such a minute proportion of our total freight transport task, the very expensive task of modifying these systems would never be recovered, even if such loads were charged a significant surcharge. Possibly the only practical way around this problem would be for it to be acceptable for the Schedule B documentation to be carried with the freight container - either affixed to the outer surface near the door in a 'documents enclosed' envelope, or carried immediately in the container itself. (A19)</p> <p>This list is somewhat deficient, as well as requiring additional information. The deficiencies are that it is incomplete in its requirements for any wastes that are also Dangerous Goods. The Road Transport Reform (Dangerous Good) Regulations, the Rail (Dangerous Goods) Rules, and the Australian Dangerous Goods Code jointly require such documentation to also include:</p> <ul style="list-style-type: none"> - the Proper Shipping Name (or other name 	<p>The extra information required is relatively small. The requirement to carry this information has been in place since 1994, under the ANZECC guidelines, and has operated successfully in various jurisdictions.</p> <p>The information details required for controlled wastes will meet relevant ADG requirements. The details required will provide important information on handling and managing controlled wastes when being transported as well as assisting with incidents response in the event of a spill.</p> <p>Jurisdictions are willing to meet with transporters to examine issues and provide advice on integrating private tracking systems with desired NEPM outcomes. It is anticipated that workable solutions can be found.</p> <p>Schedule B has been amended to allow for</p>

Schedule B

COMMENT	RESPONSE
<p>incorporated in the label), incorporating for many products, the Technical Name;</p> <ul style="list-style-type: none"> - the Sub-Risk Code where applicable, for wastes presenting more than one hazard; - the number of packages of each type. (A19) 	<p>these categories, should they be required.</p>
<p>The most important requirements here are that the information should be in printed form to ensure that it is legible, the quantity of waste needs to be accurately determined by registered weighbridge or other means and the information should be forwarded to the regulator within a specified timeframe. (A21)</p>	<p>The NEPM allows for electronic or manual transfers of information. Clause 13(j)(ii) specifies the information that is to accompany the waste.</p> <p>The information required in Schedule B must be true and accurate, and clause 14 has a provision in relation to failure in providing information or giving false or misleading information.</p>

General

COMMENT	RESPONSE
<p>Would prefer to see government providing the framework and policing of a system and administration via the private sector. The draft Measure does this in part. However, it is also counter productive to certain areas of the waste management industry as it burdens processors and generators with high costs of compliance which act as a disincentive to the collection and processing of controlled waste. (A1)</p>	<p>Flexibility of the NEPM allows for meeting common environmental outcomes through various means.</p>
<p>If compliance were required with the proposed draft Measure, there would be significant costs added to collection for no real gain. These costs would be in the forms of:</p> <ul style="list-style-type: none"> - additional administration required to complete paperwork; and - additional transport cost to ensure it is undertaken by licensed carriers. (A1) 	<p>Tracking compliance comprises a very small percentage of waste disposal costs.</p>
<p>Given that some liquid waste may contain low levels of controlled waste as contaminants, it would seem that a device which analyses waste for the presence of controlled waste [reference provide on UT design] would be of considerable assistance to staff at liquid disposal sites. (A2)</p>	<p>Noted. Several devices presently exist (eg pH). It is considered unlikely that one device will become available which could detect the presence of all the compounds on List 1.</p>
<p>The Measure contains nothing that will encourage the State to develop sensible (in terms of location and capabilities) waste disposal facilities capable of accepting hazardous wastes. It further encourages, in</p>	<p>This topic is outside the scope of the NEPM, and is the responsibility of individual jurisdictions.</p>

General

COMMENT	RESPONSE
Queensland, the 'send it south' mentality. (A3)	
<p>The rationale behind the NEPM focuses on regulation as a means of minimising the illegal disposal of waste which, in the likely duplication of current State requirements that this Measure creates, is quite likely to have the opposite effect as bureaucracy smothers what it sets out to achieve. Illegal dumping will be an easier option than overcoming the bureaucratic hurdles. (A11)</p>	<p>The NEPM will not duplicate requirements. It will enable jurisdictions to track waste that moves out of that State or Territory, and ensure that it is disposed of properly. This is a significant 'addition' to current State and Territory requirements that do not uniformly track waste once it leaves their jurisdiction.</p>
<p>With such a small percentage of the total amount of controlled waste produced moving between states (estimated at 1%) this NEPM should establish national standards to be administered by the jurisdictions, thereby promoting uniformity in the movement of these substances. The licensing processes thereby ensuring that all sections of the industry are technically equipped at levels which are appropriate for and relative to the class and quantities of wastes produced, transported and reprocessed. (A11)</p>	<p>The Measure requires that the transporter be licensed. The mutual recognition clauses will be implemented by making use of common licence outcomes. This will promote consistency in the management of the movement of controlled waste, which does not currently exist.</p>
<p>Supports the overall aims of the proposed NEPM. (A14)</p>	<p>Noted.</p>
<p>The Impact Statement does not mention that the system has been in operation in NSW for some time. Experience there has shown that substantial resources are required for the granting of consents, industry consultation, database entry and management, chasing up illegible records and unreturned records, auditing and enforcement.</p> <p>While industry has made it clear that they fully support the tracking of hazardous wastes, there needs to be certainty and consistency built into the process. The process being proposed by the NEPM needs to incorporate more safeguards and be more transparent than currently proposed. (A21)</p>	<p>The Impact Statement contains information provided by NSW, about its tracking system, in Section 3.5.5.</p> <p>The NEPM provides for transparent and consistent methods of approving waste movements, tracking the interstate movement of waste, and recording their disposal. Jurisdictions will jointly develop implementation mechanisms to ensure consistency and transparency. Clause 13(j)(v) requires transparency in explaining any refusal to issue a consignment authorisation.</p>
<p>The requirements of tracking waste across borders should be no more onerous than tracking within the State. The comparability of systems is important to achieve this. If it is not necessary to track wastes intrastate, we would not expect to track wastes interstate and we expect some work to be done on List 1 and List 2. (A23)</p>	<p>The NEPM allows for the integration of existing jurisdictional systems and will be no more onerous than intrastate tracking systems.</p> <p>It is left up to the jurisdictions to deal with their intrastate/territory movements.</p>
<p>The reasons for refusal should be made</p>	<p>Right of appeal exists within each</p>

General

COMMENT	RESPONSE
available along with provision for a right of appeal. (A23)	jurisdiction's laws and reasons for refusal will be given. Clause 14 has been amended to require that an explanation be given if an application for a consignment authorisation is refused.
A review in 3-5 yrs time is suggested to gauge the success, or failure, of the guidelines. (A24, A29)	Clause 10 provides for a review period of the Measure within 5 years.
There is a need for a linkage within the NEPM to the Australian Dangerous Goods Code for transporting hazardous substances (wastes). (A24, A29)	Agreed. Jurisdictions will enforce this through the licensing process. Schedule B incorporates ADG requirements.
Do treatment or transportation businesses have the right to reject a load of waste if they are licensed to handle it? (A24, A29)	Yes. Proper consultation and prior notification, as per the NEPM guidelines, will ensure that a facility is both licensed and prepared to receive the waste, reducing the likelihood of refusal.
Local Government may be reticent in approving waste facilities if it is perceived that waste may be received from another jurisdiction. (A24, A29)	This is outside the scope of the NEPM.
Commends the NEPC for the effort it has made in producing this NEPM in order to reduce the potential human health and environmental impacts that may arise from the illegal dumping and transport of controlled waste. (A25)	Noted.
The NEPC would benefit greatly by receiving wider input from an industry which has assumed the responsibility of managing its own waste, and which may provide a model for how other industries should approach the problem. (A26)	The Measure has been subject to an extensive consultation process, which has included key industry groups, environment groups, community groups, and government agencies. Public meetings were held in all jurisdictions including important regional areas.
The adoption of a nationally consistent, mandatory approach to the movement of hazardous waste in Australia is essential to protect the Australian community and environment. (A27)	Noted.
<p>We currently operate treating clinical and quarantine waste facilities in Queensland and NSW and would prefer to see a national approach to waste treatment and associated transport.</p> <p>Clauses 13g(i) and 13g(iv) would eliminate our national choice of disposal facilities and leave us prey to monopoly pricing of the one facility and we would like to see these dropped. (A28)</p>	<p>The NEPM is designed to provide industry with flexibility and choice in waste disposal, provided there is no significant increase in risk to the environment and human health. Implementation of the NEPM will also improve consistency in approach to national movements of controlled wastes.</p> <p>These are topics that jurisdictions should consider but are not binding. Clauses 13(g)(i) and 13(g)(iv) have now been removed.</p>

Implementation

COMMENT	RESPONSE
<p>The NEPM should be less dismissive of the potential benefits of Codes of Practice, and give recognition to the role they can play as a supplement to the NEPM where:</p> <ul style="list-style-type: none"> - nature of waste is unknown by generator or carrier; - relatively small quantities of waste; and - carriage does not involve crossing jurisdictional boundaries. <p>An industry endorsed Code of Practice would offer some back up to the NEPM, encouraging appropriate practice by all concerned. (A2)</p>	<p>Codes of practice will be one useful element in the implementation of the NEPM. Jurisdictions will make use of national codes of practice and guidelines such as those issues under ANZECC. The NEPM is primarily outcome oriented and will provide opportunity for jurisdictions to incorporate codes of practice during implementation.</p>
<p>The NEPM should draw attention to the potential problems associated with those who are participating in the development of this NEPM not remaining in positions where they can monitor the implementation process, and ensure that the NEPM procedures are followed. The NEPM should endeavour to build into its agreed strategy processes that will minimise the ensuing risks. (A2)</p>	<p>Guidelines will be drafted to ensure application and consistency for the long term.</p>
<p>Industry is concerned over the different approaches taken by the jurisdictions by adopting or rejecting the waste manifest and classification system. (A26)</p>	<p>The classification of waste for the purposes of the Measure will be nationally consistent.</p>

Cost/Benefits

COMMENT	RESPONSE
<p>The Impact Statement discusses costs and generally infers they will be trivial. It does not address the fact that the fees and charges will be passed down the chain cumulatively to the Producer and hence to consumers. (A3)</p>	<p>The additional costs involved are minor in comparison to the total charges associated with waste management. Passing of these charges to the producer is consistent with the philosophy of 'polluter pays'.</p>
<p>Uncertain whether the cost benefit analyses take into account the work which has been done so far by the various EPAs in relation to the management of used tyres. Whilst ATMA would agree, that more likely than not, the tracking of the interstate movement of tyres would not result in any significant cost increase over and above that involved in tracking used tyres on an intrastate basis, both the SA and Qld experiences have not involved any significant examination of movements of used tyres across borders and</p>	<p>Waste tracking systems have been operating in some jurisdictions for some years (and more recently in line with the ANZECC Guidelines issued in 1994) and it is not intended or expected that costly and burdensome administration will result. Some industries have been seeking such tracking systems and in some cases have implemented their own where none was in existence through the jurisdictional agency.</p>

Cost/Benefits

COMMENT	RESPONSE
<p>of any additional cost involved to industry.</p> <p>More importantly, ATMA opposes any programs for the management of waste where all or any of the funds generated under a scheme are not used for the purposes of such a scheme. (A26)</p>	<p>Noted. The NEPM is not a scheme that will generate funds.</p>

Part 1

COMMENT	RESPONSE
<p>Clause 4 does not appear as a separate clause in the NPI or draft Air NEPMs. For the sake of consistency, it should be dealt with in this NEPM in a similar manner to the NPI. It is desirable that NEPMs have a similar appearance and layout. (A9)</p>	<p>It is intended to conform to any standardised NEPM format.</p>

Impact Statement

COMMENT	RESPONSE
<p>It has been indicated that the Impact Statement is final and further comment on this document would not be considered. As the Impact Statement and draft NEPM are interdependent, it is important that both documents be subjected to wide public scrutiny and that the comments are given careful consideration to allow the NEPC ministers to make their decision on the best available information. As one example of further work required on the Impact Statement, a detailed examination of the costs and benefits associated with the NEPM or the alternatives is recommended, as required under the NEPC Act. (A17)</p>	<p>An addendum to the Impact Statement, to reflect changes to the draft NEPM, has been prepared and all relevant documents will be submitted to the NEPC.</p> <p>Cost and benefit estimates have been reviewed with the best available information, albeit substantially limited due to the lack of information on interstate movements of controlled waste.</p>
<p>Concerned to find the name and representative organisations of NGO members in Appendix 4 of the Impact Statement. This naming carries the implication that the named representatives and their organisations endorse the directions of the draft NEPM. Yet at no stage before publication of this public review draft did the NGO get to see even a preliminary draft. A number of concerns raised by members in session have not been taken on board. (A19)</p>	<p>The Impact Statement does not imply that the NGO team or any of its members endorse the directions of the draft NEPM. It was formed to facilitate consultation amongst stakeholders and this is clearly stated in the Impact Statement. Listing of participants is consistent with maintaining transparency in NEPM development.</p>
<p>Concerned to learn that the Impact Statement is not a draft, even though it is based on a draft NEPM. We were advised that any</p>	<p>An addendum to the Impact Statement to reflect any changes to the draft NEPM has been prepared.</p>

Impact Statement

COMMENT	RESPONSE
<p>comments on it would therefore be of little consequence. Have therefore refrained from commenting on the Impact Statement even though it is clearly deficient in a number of areas. (A19)</p>	
<p>Questions the making of this NEPM, in its current form, due to the significant lack of substantiation of claims to any benefit from its introduction. It is recognised that some jurisdictions have the regulatory framework and processes in operation to currently track the movement of various categories of wastes and, presumably, as a result probably minimises risks to the environment and people. (A20)</p>	<p>Commitment by jurisdictions to implement National Environment Protection Measures is demonstrated by passage of the NEPC Act in each jurisdiction.</p>
<p>3.1.3 Reasons for the Measure</p> <p>The impact analysis is seen as totally inadequate in respect to benefits and costs:</p> <ul style="list-style-type: none"> - lack of comprehensive data on transboundary movements; - no evidence to support the claim of decreased illegal disposal since implementation of the ANZECC guidelines; - if the states are not prepared to invest in the identification, impact assessment and prosecution pathways for the management of illegal dumping why should they bother to implement this NEPM. (A20) 	<p>The figures used and reported are the best available at this time and are limiting for various reasons including the fact that there is no national tracking system in place. The NEPM will facilitate the collection of comprehensive data.</p> <p>The ANZECC guidelines are not regulatory and have not been implemented by all jurisdictions.</p> <p>Enforcement is a jurisdictional matter.</p>
<p>3.1.4 Cost Benefit Analysis</p> <p>It is noted that only \$100,000 per year is spent in cleaning up contamination as a result of illegal waste dumping. There is no analysis to identify whether this \$100,000 expenditure was related to cross boundary spills or intrastate spillages. (A20)</p> <p>If this is the correct figure, why is anyone bothering with this NEPM as it could be interpreted that the problem across the country is only worth an investment of \$100,000 pa, much less than the potential implementation costs in any one jurisdiction let alone costs falling in the private sector. (A20)</p>	<p>The potential environmental and economic costs associated with illegal disposal of controlled waste could easily exceed the implementation costs.</p> <p>As stated above the figures used and reported are the best available at this time and are limiting in accurate representation of true costs associated with illegal disposal of hazardous wastes. It is by implementing the NEPM that more accurate and reliable information will become available.</p>
<p>5.3 General Impacts of the Measure</p> <p>Arbitrary comment about a survey of community attitudes to environmental issues is hardly a substantial reason to cause the</p>	<p>The information can then be used for planning purposes by agencies and in responding more effectively to emergency situations such as a spill. Economic, social and environmental benefits could easily</p>

Impact Statement

COMMENT	RESPONSE
<p>expenditure of some millions of dollars for this NEPM when it could be directed to some other environmental issue of substance.</p> <p>The analysis is deficient as there is a total failure to identify any current environmental impact of cross boundary movement of waste and any benefit from the introduction of this NEPM.</p> <p>This NEPM, in its current form, should be withdrawn unless substantial justification of current environmental costs from a lack of such a system can be identified and future benefits clearly established. (A20)</p>	<p>outweigh the costs of developing the NEPM. The total cost of developing the NEPM was under \$250,000.</p> <p>Lack of data demonstrates need for this measure.</p> <p>History of intrastate tracking demonstrates need for interstate/territory tracking.</p>

Alternatives

COMMENT	RESPONSE
<p>The Impact Statement briefly examines some of the obvious alternatives, but does not really explore the possibilities of innovative performance based solutions with the potential to provide the required community outcomes while minimising costs and the need for so much direct involvement by Government. (A19)</p> <p>One such approach would be to set out in the Measure detailed controlled waste management objectives and to strictly license generators and waste management facilities, making them liable for ensuring the objectives are met. The 'Generators' to be required to strictly record all production, handling, consignment and transport of wastes, including detailed receipts from licensed facilities. The 'Facilities' licensed as to what they may receive (which could include restrictions on sources) and also required to maintain complete records. The 'Agencies' task could then be limited to perusing and comparison of the records, taking action for any discrepancies. This would allow industry the necessary flexibility to achieve the objectives in the most cost effective manner without the added bureaucratic documentation systems and direct Agency involvement in routine tasks. (A19)</p>	<p>The NEPM has been designed to allow for implementation at jurisdictional level to achieve agreed environmental outcomes in flexible and innovative manners such as electronic tracking systems, being mindful of the need to be cost effective.</p> <p>Licensing of producers and facilities is regulated by existing legislation within jurisdictions. The NEPM sets the framework to achieve common environmental protection outcomes related to the movement of controlled wastes between states and territories.</p> <p>Waste management objectives are the responsibility of each jurisdiction and may not be addressed under the scope of this NEPM.</p> <p>Clause 13(j) sets out the obligations of producers, transporters and facilities in regard to the interstate transport of controlled waste.</p>
<p>ATMA agrees that:</p>	<p>Noted.</p>

Alternatives

COMMENT	RESPONSE
<ul style="list-style-type: none">- voluntary schemes have only limited usefulness;- bilateral agreements between jurisdictions must be entered into and maintained purely in the context of the ultimate objective of achieving a comprehensive national solution to the problem;- any attempt to implement a national licensing system may only lead to additional cost and administrative burdens being placed upon industry;- a ban on interstate movement is not a viable alternative; and- maintenance of status quo is insufficient. (A26)	

Part 3

COMMENT	RESPONSE
Concern is expressed over the right of refusal of a consignment number and the implications on trade practices and the right of refusal to accept the waste (A24, A29)	Legal advice has been received that jurisdictions have the right to refuse to issue a consignment authorisation for environmental reasons for the purposes of this Measure within the provisions of the Constitution.

APPENDIX A SUBMISSIONS - PUBLIC CONSULTATION

Submission No.	Organisation/Individual
A1	MRI (Aust) Pty Ltd
A2	Abacus Consulting Services
A3	Rhône Poulenc Rural Australia Pty Ltd
A4	Totalcare Industries Limited
A5	Ash Development Association of Australia
A6	The Cement Industry Federation Limited
A7	Crop Care Australasia Pty Ltd
A8	Queensland Department of Health Environmental Health Unit
A9	Tasmanian Government Departments
A10	CWDS Pty Ltd
A11	Queensland Government Departments
A12	South Australian Health Commission Public & Environmental Health Service – Environmental Health Branch
A13	Capral Aluminium Limited
A14	Pozzolanic Industries Limited
A15	Australian Mobile Telecommunications Association
A16	SCORI Environmental Services Pty Ltd
A17	Minerals Council of Australia
A18	Australian Chamber of Manufactures
A19	National Rail Corporation Ltd
A20	Australian Paper
A21	CMPS&F
A22	National Environment Consultative Forum
A23	Australian Business Chamber
A24	Gold Coast City Council
A25	NSW Agriculture
A26	Australian Tyre Manufacturers' Association
A27	Australian Council of Trade Unions
A28	Australian Waste Services
A29	Australian Institute of Environmental Health (Queensland Division)

APPENDIX B GLOSSARY

ACTU	Australian Council of Trade Unions
Agreement	Agreement between Agencies to Implement the National Environment Protection Measure for the Movement of Controlled Waste between States and Territories
ANZECC	Australia and New Zealand Environment and Conservation Council
ARMCANZ	Agricultural Resource Management Council of Australia and New Zealand
Council	National Environment Protection Council
JRN	Jurisdictional Reference Network
Measure	National Environment Protection Measure
MOWG	Management Options Working Group
NECF	National Environment Consultative Forum
NEPC	National Environment Protection Council
NGO	Non-Government Organisation
SCARM	Standing Committee on Agricultural Resource Management (under ARMCANZ)
SCEP	Standing Committee on Environment Protection (under ANZECC)

APPENDIX C PROTOCOL FOR CONSULTATION

PROTOCOL FOR CONSULTATION BY NATIONAL ENVIRONMENT PROTECTION COUNCIL

Complementary National Environment Protection Council legislation has been passed by all jurisdictions in Australia. This legislation enables the National Environment Protection Council (NEPC) to develop national environment protection measures (Measures).

The legislation requires that prior to a Measure being made, notice of the intention to prepare a draft Measure must be given (Section 16)¹. The legislation also requires that a draft Measure and its accompanying impact statement must be made available for public comment (Section 18).

The NEPC recognises that effective consultation will contribute to the making of informed decisions for the increased effectiveness of Measures. This Protocol describes the approach to be adopted by the NEPC to ensuring productive and transparent consultation processes.

This Protocol for consultation incorporates objectives, principles and strategies.

CONSULTATION OBJECTIVES

The NEPC, in accordance with the Principles of Consultation, seeks to achieve the following objectives:

1. To ensure the development and implementation of National Environment Protection Measures through effective consultation.
2. To ensure that the NEPC obtains useful information from stakeholders.
3. To maximise the understanding and involvement of stakeholders in consultation leading to the development of Measures.
4. To encourage an appropriate level of community and stakeholder ownership of Measures.

¹ Note that throughout this document reference is made to sections of the NEPC legislation. The section numbers refer to the legislation in all jurisdictions except the Australian Capital Territory.

PRINCIPLES OF CONSULTATION

The National Environment Protection Council, in accordance with the Consultation Objectives:

1. recognises that relevant consultation is an essential component of public policy development, implementation and review and that effective consultation will lead to more informed decisions and increase the effectiveness of environmental outcomes.
2. will conduct consultation in a transparent and accountable manner, encouraging input from all interested parties and will commence consultation as soon as practicable after the publication of the Notice of Intention.
3. will provide comprehensive and timely information, ensuring that there are clearly defined lines of communication.
4. will ensure that material is written in plain English and is accessible to all stakeholders.
5. will have regard to the differing resources of interested parties and use appropriate means of disseminating information.
6. will provide feedback to those providing comment and submissions.
7. will monitor and review the effectiveness of consultation.
8. assumes effective management of the chosen methods and techniques which promote the ease of understanding of material.

STRATEGIES FOR CONSULTATION

The elements of a consultation strategy are outlined with reference to the four key stages of MEASURE development. In each stage, there will be identified actions, roles and responsibilities.

Stage 1: NEPC work program

It is recognised that the environmental priorities are identified by NEPC and the NEPC Committee and proposed for the work program are not developed in a vacuum. They result from issues raised over a period of time in many different ways - from submissions, research, complaints, other fora (e.g. ANZECC) and environment policy development processes.

NGOs and other stakeholders have many opportunities to contribute to the proposed work program of NEPC such as through member agencies or directly to

Commonwealth, state or territory governments. NEPC will, therefore, not establish new and duplicative formal processes for obtaining input to its work program decisions, but instead encourages NGOs to continue to put forward their views through existing mechanisms.

The NEPC legislation states the scope of potential Measures (Section 14). Matters which come before Council must be consistent with the legislation.

Stage 2: Public notification of the intention to prepare a measure

Once Council has decided to undertake development of a draft Measure, a Notice of Intention will be published in accordance with the legislation (Section 16); that is, twice in a newspaper circulating in each jurisdiction and the Commonwealth Government Gazette.

The Notice will specify the nature of the proposed measure and state that Council intends to proceed with the development of a draft. It will also describe how stakeholders can register their interest in the development of a Measure and will call for preliminary submissions on the proposal.

An information bulletin will be available as soon as possible after the Notice of Intention has been published. This will contain preliminary information explaining the reasons for proposing the development of a draft Measure, details of where information held by the NEPC can be accessed and where submissions can be forwarded.

A consultation plan which outlines methods and tasks that will be used to achieve participation and maximise understanding among stakeholders and the general public will be developed.

The legislation specifies a minimum of 30 days for comment before a draft Measure is prepared. However, in most cases, there will be significantly more time between the NEPC announcing its intention to prepare a draft Measure and the preparation of the draft. During this time, submissions will be considered and, where appropriate, input on specific issues or aspects of the draft Measure and impact statement will be sought from stakeholders.

Stage 3: Drafting the measure and making the draft available

For each Measure, there will be a Project Chair who will be a member of the NEPC Committee. The Project Chair shall guide the development of the Measure. A Project Manager from the Service Corporation and a Project Team will be established to prepare the draft Measure and associated impact statement. In addition, other approaches could be adopted to facilitate consultation such as establishing:

- mechanisms for ensuring appropriate consultation within each jurisdiction. For example, a Jurisdictional Reference Group may be established involving a

nominated environment agency representative from each jurisdiction. These representatives should provide a link between the Project Team and their jurisdiction.

- mechanisms for ensuring peak NGO input to the Measure development process. This may occur via the Jurisdictional Reference Groups or it might occur through other mechanism such as some form of NGO advisory group.
- mechanisms for ensuring input from other sections of the community. Again, this might occur, at least partly, through the Jurisdictional Reference Groups or other mechanisms might be used. For example, focus groups of community, professionals and industry representatives may be established. These might be established by the associations themselves to provide information and input to the Measure development process.

During the development of the draft Measure and impact statement, the Project Team, through the NEPC Service Corporation, will provide regular information to stakeholders. The NEPC Service Corporation will also maintain a register of stakeholders and will actively solicit submissions where appropriate.

Once the draft Measure and impact statement are prepared and made available for public comment, submissions will be sought in accordance with the legislation, principles and objectives. This requires a minimum period of two months.

Stage 4: Adoption and Implementation in the Legislation, Principles and Objectives

All comments will be recorded, acknowledged and considered by the Project Team in finalising the proposed Measure. Feedback will be provided to people who have made submissions.

Having allowed at least two months for submissions, Council may vote on the measure in accordance with Section 19.

Once Council has made a decision, this decision will be promptly communicated to stakeholders and the broader community.

APPENDIX D LIST OF CONSULTATION MEETINGS HELD

Commonwealth

4 February 1998 Government (Canberra)

Australian Capital Territory

4 February 1998 Public (Canberra)

New South Wales

29 January 1998 Public (Albury/Wodonga)

10 February 1998 Government (Sydney)

10 February 1998 Public (Sydney)

Northern Territory

12 February 1998 (Darwin)

13 February 1998 (Alice Springs)

Queensland

17 February 1998 (Brisbane)

18 February 1998 (Gold Coast)

South Australia

22 January 1998 Public (Adelaide)

22 January 1998 Government (Adelaide)

Tasmania

30 January 1998 Public (Hobart)

30 January 1998 Government (Hobart)

Victoria

27 January 1998 Public (Melbourne)

27 January 1998 Non-government organisations (Melbourne)

28 January 1998 Government (Melbourne)

Western Australia

24 February 1998 Government (Perth)

24 February 1998 Industry, environment, union (Perth)

NGO Advisory Group Meetings

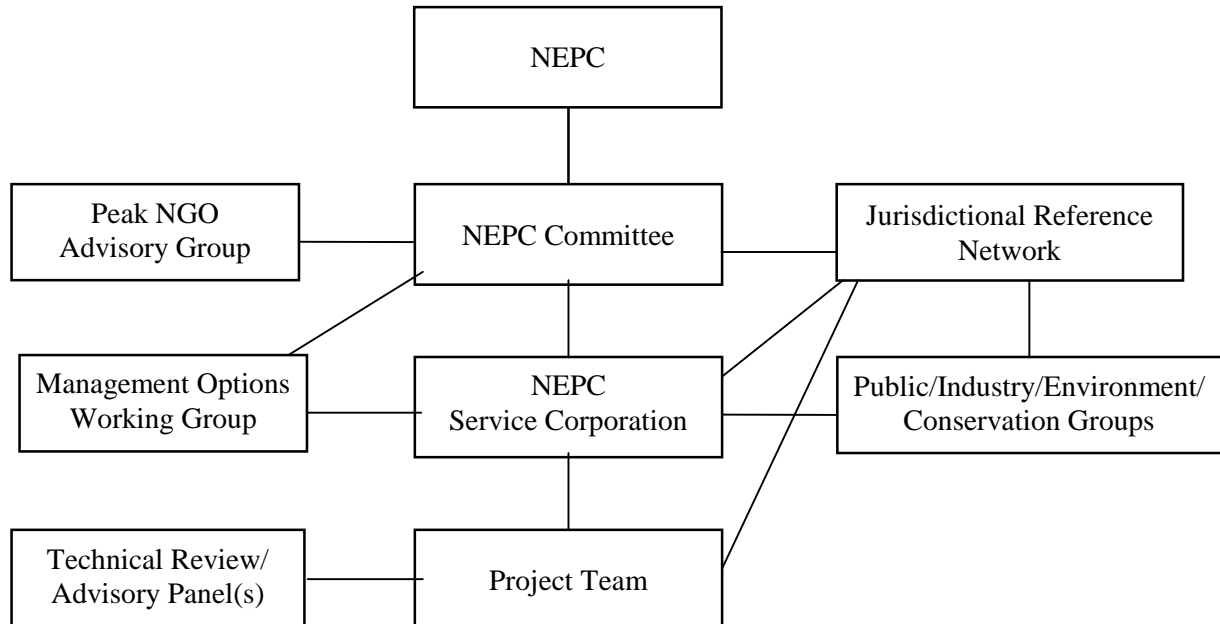
9 April 1997 Melbourne

3 July 1997 Melbourne

27 January 1998 Melbourne

APPENDIX E REPORTING AND CONSULTATION ARRANGEMENTS

In the development of each National Environment Protection Measure (Measure), a working structure is established as displayed in the following diagram.



The roles of these groups in Measure development can be characterised in the following manner:

NEPC

- initiates the development of the draft Measure
- approves the release of the draft Measure and Impact Statement for public consultation
- makes the Measure

SENATOR THE HON ROBERT HILL (CHAIR)
Minister for the Environment
Commonwealth

THE HON PAM ALLAN MP
Minister for the Environment
New South Wales

THE HON MARIE TEHAN MP
Minister for Conservation and Land Management
Victoria

THE HON BRIAN LITTLEPROUD MLA
Minister for the Environment
Queensland

THE HON DOROTHY KOTZ MP
Minister for the Environment and Heritage
South Australia

THE HON PETER HODGMAN MHA
Minister for the Environment and Land Management
Tasmania

MR GARY HUMPHRIES MLA/MR BRENDAN SMYTH MLA
Minister for the Environment, Land and Planning/Minister for Urban Services
Australian Capital Territory

THE HON MICK PALMER MLA
Minister for Lands, Planning and Environment
Northern Territory

THE HON CHERYL EDWARDES MLA
Minister for the Environment
Western Australia

NEPC COMMITTEE

- appoints a Project Chair from the NEPC Committee
- appoints Project Team - experts from jurisdictions
- develops the proposal for the Measure
- oversees the development of the draft Measure
- members of NEPC Committee are responsible for consultation in their respective jurisdictions

MR ROGER BEALE (CHAIR)

Secretary
Environment Australia
Commonwealth

MS ANTHEA TINNEY Alternate Member
Head Environment Protection Group
Environment Australia
Commonwealth

DR NEIL SHEPHERD

Director General
Environment Protection Authority
New South Wales

MS LISA CORBYN Alternate Member
Assistant Director General
Environment Protection Authority
New South Wales

DR BRIAN ROBINSON

Chairman
Environment Protection Authority
Victoria

MR JOHN GILMOUR

Executive Director (Environment)
Department of Environment
Queensland

DR BRYAN JENKINS

Chief Executive Officer
Department of Environmental Protection
Western Australia

MR ROB THOMAS

Executive Director
Environment Protection Authority
South Australia

MS LEANNE BURCH Alternate Member
Manager Policy and Planning
Environment Protection Authority
South Australia

DR FRANK CATTELL

Manager, Operations
Department of Environment and Land Management
Tasmania

MR BARRY CHAMBERS

Secretary
Department of Lands Planning and Environment
Northern Territory

MS BARB SINGER Alternate Member

Assistant Secretary
Department of Lands Planning and Environment
Northern Territory

MR PETER BURNETT

Director
Environment Protection
Environment ACT

DR BRUCE KENNEDY

Executive Officer
NEPC Service Corporation

MR GRAHAM SANSOM (OBSERVER)

Australian Local Government Association (ALGA)

PROJECT CHAIR

- responsible to NEPC and NEPC Committee for overall development of the Movement of Controlled Waste Measure

MR ROB THOMAS South Australia

PROJECT MANAGER

- responsible for managing the development of the Measure and Impact Statement. The Project Manager is also the Executive Officer for the NGO Advisory Group and Jurisdictional Reference Network

MR MARC THOMPSON NEPC Service Corporation

MS MARY MERTIN NEPC Service Corporation

PROJECT ASSISTANCE

- provide support and assistance to the Project Manager and Project Team

MS LISA DAVIES NEPC Service Corporation

MS MONINA GILBEY NEPC Service Corporation

PROJECT TEAM

- develops draft Measure and Impact Statement under the guidance of the Project Chair and Project Manager

MR ROB ALLEN Victoria

MR PATRICK DEPREZ Tasmania

MR PAUL RUTHERFORD New South Wales

MR GEOFF SCLARE South Australia

PEAK NGO ADVISORY GROUP

- comprises senior executives from Non-Government Organisation (NGO) groups (conservation, industry, professional)
- is chaired by Project Chair
- provides policy advice to NEPC Committee

MR JOHN BORIG National Rail Corporation

MR PETER DYSON Clairmont Consulting

MR LLOYD ELDRED Brambles Specialised
Transport Group

MR CLAUDE GAUCHAT Avcare Limited

MR SIMON MCCRAE Greenpeace

MR VINCE SCOLLEN ERS Pty Ltd

MS KATHY SDRINIS Transport Workers' Union

MR DAVID SINCLAIR Pasminco Ltd

MR DAVID SLY Totalcare Industries

MR IAN SWANN PACIA

JURISDICTIONAL REFERENCE NETWORK

- comprises one government officer from each jurisdiction
- conducts whole-of-government consultation
- usually conducts public consultation
- provides policy advice and feedback to Project Team through the NEPC Service Corporation
- supplies appropriate data and information to Project Team to assist Measure development

MR MARK HYMAN/MR GEOFF THOMPSON
Commonwealth

MR ADAM PARKER Western Australia

MR BRETT STRUCK Northern Territory

DR TONY HODGSON Australian Capital Territory

MR WARREN JONES Tasmania

MR GARY O'CONNOR Queensland

MR GREG THOMAS NSW

MR TIM EATON Victoria

MR MAX HARVEY South Australia

MANAGEMENT OPTIONS WORKING GROUP

- develop coordinated arrangements, in the form of an Agreement between Agencies, for the implementation approaches to be adopted for the Movement of Controlled Waste NEPM

MR MARK HYMAN/MR GEOFF THOMPSON
Commonwealth

MR ADAM PARKER Western Australia

MR BRETT STRUCK Northern Territory

DR WARREN JONES Tasmania

MR GARY O'CONNOR Queensland

DR TONY HODGSON Australian Capital Territory

MR PAUL RUTHERFORD NSW

MR TIM EATON Victoria

MR MAX HARVEY South Australia