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INDUSTRIAL WASTE MANAGEMENT POLICY (MOVEMENT OF CONTROLLED WASTE BETWEEN STATES AND TERRITORIES)

The Governor in Council, under section 16(1A) in accordance with section 17A of the **Environment Protection Act 1970**, and on the recommendation of the Environment Protection Authority, declares the following industrial waste management policy (Movement of Controlled Waste between States and Territories) to be observed throughout Victoria.

PART 1 – PRELIMINARY

1. Title

This Order may be cited as the industrial waste management policy (Movement of Controlled Waste between States and Territories) and is referred to below as the policy.

2. Commencement

This policy will come into operation upon publication in the Government Gazette.

3. Definitions

In this policy, unless the contrary intention appears:

“**Agency**” means a body or bodies of a participating State or a participating Territory which that State or Territory has nominated for the purposes of this Policy. In Victoria the nominated agency is the Authority;

“**Agreement**” means the Intergovernmental Agreement on the Environment made on 1 May 1992 between the Commonwealth, the States, the Australian Capital Territory, the Northern Territory and the Australian Local Government Association, a copy of which is set out in the Schedule to the **National Environment Protection Council (Victoria) Act 1995**;

“**Authority**” means the Environment Protection Authority established under the **Environment Protection Act 1970**;

“**Consignment Authorisation**” means an approval which includes a unique identifier granted by an agency or a facility delegated by an agency in the jurisdiction of destination to allow the movement of controlled waste;

“**Controlled Waste**” means any waste in List 1 provided that the waste possesses one or more of the characteristics in List 2. Unless otherwise demonstrated to the satisfaction of the nominated agency in the jurisdiction of destination, wastes in List 1 are considered to possess one or more characteristics in List 2;

“**Council**” means the National Environment Protection Council established by Section 8 of the **National Environment Protection Council (Victoria) Act 1995** and the equivalent provisions of the corresponding Acts of the Commonwealth and participating States or Territories;

“**Facility**” means an approved place where controlled wastes are received;

“**Facility Operator**” means a person in charge of a facility;

“**Jurisdiction of Origin**” in relation to a particular consignment of waste means the State or Territory from which the waste is generated or transported;

“**Jurisdiction of Destination**” in relation to a particular consignment of waste means the State or Territory in which the facility is located to which the waste is intended to be transported;

“**Jurisdiction of Transit**” in relation to a particular consignment of waste means any State or Territory through which the waste is transported to another State or Territory;

“**Licence**” means a licence, authorisation, permit, notice or approval granted by an Agency in relation to a vehicle for the purpose of moving controlled wastes, and includes a permit to transport prescribed waste issued under Part IXA of the **Environment Protection Act 1970**;

“**National environment protection measure**” means a measure made under section 14(1) of the **National Environment Protection Council (Victoria) Act 1995** and the equivalent provisions of the corresponding Acts of the Commonwealth and each participating State or Territory;

“**Participating jurisdiction**” means the Commonwealth, a participating State or a participating Territory;

“**Participating State**” means a State:

- (a) that is a party to the Agreement; and
- (b) in which an Act that corresponds to the **National Environment Protection Council (Victoria) Act 1995** is in force in accordance with the Agreement;

“**Participating Territory**” means a Territory:

- (a) that is a party to the Agreement; and
- (b) in which an Act that corresponds to the **National Environment Protection Council (Victoria) Act 1995** is in force in accordance with the Agreement;

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

“**Transporter**” means a person responsible for moving controlled wastes either from one participating State or Territory to another or through participating States or Territories;

“**Vehicle**” means a conveyance that is designed to be propelled or drawn by any means which is used for the movement of controlled wastes by land, air or water and includes trailer, railway locomotive or rolling stock, ship, boat or aircraft used for such purpose; and

“**Waste**” means any:

- (a) discarded, rejected, unwanted, surplus or abandoned matter; or
- (b) otherwise discarded, rejected, unwanted, surplus or abandoned matter intended for:
 - (i) recycling, reprocessing, recovery, reuse, or purification by a separate operation from that which produced the matter; or
 - (ii) sale, whether of any value or not.

PART 2 – POLICY FRAMEWORK

4. Policy Objective

The objectives of the policy are to:

- (a) implement the National Environment Protection (Movement of Controlled Waste between States and Territories) Measure within the State of Victoria;
- (b) assist in minimising the potential for adverse impacts associated with the movement of controlled waste on the environment and human health.

5. Policy Intent

- (1) This policy will implement a nationally consistent statutory framework in Victoria for the management of the movement of controlled wastes between the State of Victoria

and other States and Territories originating from commercial, trade, industrial or business activities.

- (2) Tracking systems will be implemented which will provide information to assist the Authority, and emergency services, and will ensure that controlled wastes are directed to and reach appropriate facilities.
- (3) Prior notification systems will be implemented which will provide the Authority with access to information to assess the appropriateness of proposed movements of controlled wastes in terms of transportation and facility selection.
- (4) Transporters, producers and facilities will be regulated so that tracking and notification functions are compatible with Victorian requirements.

6. Policy Principles

The policy applies the following principles of ecologically sustainable development:

- (1) *Principle of integration of economic, social and environmental considerations.* Sound environmental practices and procedures should be adopted as a basis for ecologically sustainable development for the benefit of all human beings and the environment. This requires the effective integration of economic, social and environmental considerations in decision making processes with the need to improve community well-being and the benefit of future generations. The measures adopted should be cost-effective and in proportion to the significance of the environmental problems being addressed.
- (2) *The precautionary principle.* If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. Decision making should be guided by a careful evaluation to avoid serious or irreversible damage to the environment wherever practicable, and an assessment of the risk-weighted consequences of various options.
- (3) *Intergenerational equity.* The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
- (4) *Principle of conservation of biological diversity and ecological integrity.* The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision making.
- (5) *Principle of improved valuation, pricing and incentive mechanisms.*
 - (a) Environmental factors should be included in the valuation of assets and services.
 - (b) Persons who generate pollution and waste should bear the cost of containment, avoidance and abatement.
 - (c) Users of goods and services should pay prices based on the full life cycle costs of providing the goods and services, including costs relating to the use of natural resources and the ultimate disposal of wastes.
 - (d) Established environmental goals should be pursued in the most cost effective way by establishing incentive structures, including market mechanisms, which enable persons best placed to maximise benefits or minimise costs to develop solutions and responses to environmental problems.
- (6) *Principle of shared responsibility.* Protection of the environment is a responsibility shared by all levels of Government and industry, business, communities and the

people of Victoria. Producers of goods and services should produce competitively priced goods and services that satisfy human needs and improve quality of life while progressively reducing ecological degradation and resource intensity throughout the full life cycle of the goods and services to a level consistent with the sustainability of biodiversity and ecological systems.

- (7) *Principle of product stewardship.* Producers and users of goods and services have a shared responsibility with Government to manage the environmental impacts throughout the life cycle of the goods and services, including the ultimate disposal of any wastes.
- (8) *Principle of wastes hierarchy.* Wastes should be managed in accordance with the following order of preference:
 - (a) avoidance;
 - (b) re-use;
 - (c) re-cycling;
 - (d) recovery of energy;
 - (e) treatment;
 - (f) containment;
 - (g) disposal.
- (9) *Principle of integrated environmental management.* If approaches to managing environmental impacts on one segment of the environment have potential impacts on another segment, the best practicable environmental outcome should be sought.
- (10) *Principle of enforcement.* Enforcement of environmental requirements should be undertaken for the purpose of:
 - (a) better protecting the environment and its economic and social uses;
 - (b) ensuring that no commercial advantage is obtained by any person who fails to comply with environmental requirements;
 - (c) influencing the attitude and behaviour of persons whose actions may have adverse environmental impacts or who develop, invest in, purchase or use goods and services which may have adverse environmental impacts.
- (11) *Principle of accountability.* The aspirations of the people of Victoria for environmental quality should drive environmental improvement. Members of the public should therefore be given:
 - (a) access to reliable and relevant information in appropriate forms to facilitate a good understanding of environmental issues;
 - (b) opportunities to participate in policy and program development.

7. Schedules to the Policy

- (1) Schedule A to this policy identifies and lists:
 - (a) all categories of matter for the purposes of the definition of 'controlled waste' in clause 3 of this policy; and
 - (b) characteristics of controlled wastes for the purpose of the definition in clause 3 of this policy.
- (2) Schedule B to this policy identifies the information to accompany the movement of controlled wastes and for reporting as required by this policy.

8. Exclusions to the Policy

This policy does not apply to:

- (a) the intrastate movement of controlled wastes;
- (b) a movement of controlled waste, which for logistical reasons (for example, closer proximity), and as agreed to between another jurisdiction and the State of Victoria, enters the State of Victoria prior to returning to a facility for disposal in the jurisdiction of origin;
- (c) the movement of controlled wastes or other wastes in accordance with the **Hazardous Waste (Regulation of Exports and Imports) Act 1989** of the Commonwealth;
- (d) an emergency which requires urgent action to protect human life, the environment and/or property;
- (e) controlled wastes:
 - (i) to be used in analysis for waste categorisation;
 - (ii) to be used in research subject to approval by an agency in the jurisdiction of destination;
- (f) the movement of controlled wastes by pipeline;
- (g) containers destined for direct refilling with the same substance in which there remains small amounts of residues of a substance on List 1; or
- (h) 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 Authority and any other affected jurisdictions.

9. Exemptions allowed by the Policy**(1) Geographical exemption**

The movement of a specified controlled waste stream from a defined geographic area in the State of Victoria to a defined geographic area or facility in another jurisdiction, or from a defined geographic area in another jurisdiction to a defined geographic area or facility in the State of Victoria may be exempted from one or more of clauses 11(4), 11(5), 11(6), 11(7), and 11(8) of the policy.

(2) Direct re-use exemption

Controlled waste which is destined for direct re-use without prior treatment or processing as an input into the manufacture of a product whether or not for sale may be exempted from one or more of clauses 11(4), 11(5), 11(6), 11(7), 11(8)(c), 11(8)(d), and 11(8)(e) of the policy.

(3) Exemptions under 9(1) and 9(2) may only be given if:

- (a) such an exemption is formalised through written agreement by the Authority and other affected jurisdictions;
- (b) the written agreement is provided as part of the public reporting obligations of the State of Victoria and all other affected jurisdictions; and
- (c) the Authority and all other affected jurisdictions consider that the exemption does not derogate from the objective and intent of this policy.

10. Review of the Policy

This policy will be amended as appropriate to take into account any amendments to the National Environment Protection (Movement of Controlled Waste Between States and Territories) Measure.

PART 3 – ATTAINMENT PROGRAM**11. Features for the establishment of a system for the movement of controlled wastes*****Licensing and mutual recognition***

- (1) Where the State of Victoria is the jurisdiction of origin, the Authority shall ensure that the movement of controlled waste from the State of Victoria to or through another participating State or Territory is subject to a licence having sufficient control over the carriage of that waste to enable agreement to mutual recognition between participating States or Territories.
- (2) The Authority will recognise a licence issued by another jurisdiction where a transporter is established for business purposes, for the sole purpose of the movement of controlled waste between the State of Victoria and that jurisdiction.
- (3) The Authority shall agree to the mutual recognition of licences within 6 months of this policy coming into effect.

Prior Notification and Consignment Authorisations

- (4) A producer intending to move controlled wastes to the State of Victoria must obtain a consignment authorisation from the Authority, prior to the movement of such wastes.
- (5) The Authority shall ensure that, prior to a consignment authorisation being issued, consultation is undertaken, wherever necessary, with other affected States and Territories, to determine the appropriateness of issuing a consignment authorisation.
- (6) In considering a completed application for a consignment authorisation, the Authority shall take certain matters into consideration. These shall include, but not be limited to:
 - (a) whether the facility to which the controlled wastes are directed is appropriately licensed or approved by the Authority to receive the controlled waste;
 - (b) relevant environment protection policies and legislation of the State of Victoria or other participating jurisdictions which will assist in meeting the desired environmental outcomes; and
 - (c) consistency with the requirements of the industrial waste management policy (Waste Minimisation), the industrial waste management policy (Prescribed Industrial Waste) and other relevant policies and legislation. In accordance with these policies, the Authority may refuse to issue a consignment authorisation for:
 - (i) controlled waste intended for disposal in Victoria, where there is an appropriate facility for the re-use, recycling, treatment or disposal of that kind of waste in the jurisdiction of origin;
 - (ii) controlled waste intended for treatment in Victoria, where there is an appropriate facility for the re-use, recycling, or treatment of that kind of waste in the jurisdiction of origin; or
 - (iii) the unnecessary transportation of controlled waste into Victoria for temporary storage.

Waste Tracking

- (7) Schedule B consists of three parts, such that:
- (a) Part 1 identifies information to be provided by producers;
 - (b) Part 2 identifies information to be provided by transporters; and
 - (c) Part 3 identifies information to be provided by facilities.

All controlled wastes transported in accordance with this policy must be accompanied by the information set out in Part 1 and Part 2 of Schedule B, and that Part 3 of Schedule B must be completed by a facility upon acceptance of the waste.

Obligations

- (8) (a) The producer must provide relevant information as set out in Part 1 of Schedule B;
- (b) The transporter must carry information as described in Parts 1 and 2 of Schedule B when transporting controlled waste;
- (c) The Victorian facility operator must provide information described in Part 3 of Schedule B as required by the Authority;
- (d) The Authority shall, where the State of Victoria is the jurisdiction of destination, issue or refuse to issue, a consignment authorisation within 5 working days following the receipt of a completed application;
- (e) The Authority shall provide an explanation to the applicant of the reason for refusal of a consignment authorisation consistent with its obligations under relevant Victorian legislation and policies.

Maintenance of records

- (9) The Authority shall ensure that records of the data generated by the tracking system in relation to requirements which are contained in Schedule B, are kept for a period of not less than 12 months.

Furnishing of information to Council

- (10) The Minister administering the **National Environment Protection Council (Victoria) Act 1995** shall provide collated summary information on the:
- (a) movement of controlled waste into the State of Victoria, indicating jurisdiction of origin, waste code and quantity of waste;
 - (b) level of discrepancies (e.g., non-arrival of a consignment) as a percentage of total authorised controlled waste movements; and
 - (c) benefits arising from the implementation of the policy;
- to the National Environment Protection Council on an annual basis.

12. Failure to provide information, or giving false or misleading information

Where a producer, transporter or facility operator does not furnish required information to the Authority or provides false or misleading information, enforcement action will be taken by the Authority in accordance with the following:

- (a) the nature of the offence, including the intent of the offender and whether it is a repeat occurrence;
- (b) the effectiveness in achieving the policy objectives; and
- (c) the Authority's Enforcement Policy.

13. Confidentiality

The Authority shall respect commercial confidentiality of facility operators, transporters, and

producers, and will endeavour to apply the following principles to any claim for confidentiality:

- (a) that claims will only be considered if they involve either commercially sensitive information or issues of national security;
- (b) that the onus of substantiating a claim for confidentiality will rest with the producer, transporter, or facility operator.

Claims for confidentiality will be assessed on the grounds of commercial sensitivity, in accordance with the laws of the State of Victoria.

SCHEDULE A – LIST 1: WASTE CATEGORIES

Waste stream or wastes having as constituents:
Acidic solutions or acids in solid form
Animal effluent and residues (abattoir effluent, poultry and fish processing waste)
Antimony; antimony compounds
Arsenic; arsenic compounds
Asbestos
Barium compounds (excluding barium sulphate)
Basic solutions or bases in solid form
Beryllium; beryllium compounds
Boron compounds
Cadmium; cadmium compounds
Ceramic-based fibres with physico-chemical characteristics similar to those of asbestos
Chlorates
Chromium compounds (hexavalent and trivalent)
Clinical and related wastes
Cobalt compounds
Containers which are contaminated with residues of substances referred to in this list
Copper compounds
Cyanides (inorganic)
Cyanides (organic)
Encapsulated, chemically-fixed, solidified or polymerised wastes
Ethers
Filter cake
Fire debris and fire washwaters
Fly ash
Grease trap waste

Halogenated organic solvents
Highly odorous organic chemicals (including mercaptans and acrylates)
Inorganic fluorine compounds excluding calcium fluoride
Inorganic sulfides
Isocyanate compounds
Lead; lead compounds
Mercury; mercury compounds
Metal carbonyls
Nickel compounds
Non toxic salts
Organic phosphorus compounds
Organic solvents excluding halogenated solvents
Organohalogen compounds – other than substances referred to in this list
Perchlorates
Phenols, phenol compounds including chlorophenols
Phosphorus compounds excluding mineral phosphates
Polychlorinated dibenzo-furan (any congener)
Polychlorinated dibenzo-p-dioxin (any congener)
Residues from industrial waste treatment/disposal operations
Selenium; selenium compounds
Sewage sludge and residues including nightsoil and septic tank sludge
Soils contaminated with a controlled waste
Surface active agents (surfactants), containing principally organic constituents and which may contain metals and inorganic materials
Tannery wastes (including leather dust, ash, sludges and flours)
Tellurium, tellurium compounds
Thallium; thallium compounds
Triethylamine catalysts for setting foundry sands
Tyres
Vanadium compounds
Waste chemical substances arising from research and development or teaching activities including those which are not identified and/or are new and whose effects on human health and/or the environment are not known

Waste containing peroxides other than hydrogen peroxide
Waste from heat treatment and tempering operations containing cyanides
Waste from the manufacture, formulation and use of wood-preserving chemicals
Waste from the production, formulation and use of biocides and phytopharmaceuticals
Waste from the production, formulation and use of inks, dyes, pigments, paints, lacquers and varnish
Waste from the production, formulation and use of organic solvents
Waste from the production, formulation and use of photographic chemicals and processing materials
Waste from the production, formulation and use of resins, latex, plasticisers, glues and adhesives
Waste from the production and preparation of pharmaceutical products
Waste mineral oils unfit for their original intended use
Waste oil/water, hydrocarbons/water mixtures or emulsions
Waste pharmaceuticals, drugs and medicines
Waste resulting from surface treatment of metals and plastics
Waste tarry residues arising from refining, distillation, and any pyrolytic treatment
Waste, substances and articles containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated naphthalenes (PCNs), polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
Waste of an explosive nature not subject to other legislation
Wool scouring waste
Zinc compounds

SCHEDULE A – LIST 2: CHARACTERISTICS OF CONTROLLED WASTES

Dangerous Goods Class (UN Class*)	UN Code	
1	H1	Explosive
		An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.

3	H3	Flammable Liquids
		The word “flammable” has the same meaning as “inflammable”. Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off flammable vapour at temperatures of not more than 60.5 degrees Celsius, closed-cup test, or not more than 65.6 degrees Celsius, open-cup test. (Since the results of open-cup tests and of closed cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowances for such differences would be within the spirit of the definition.)
4.1	H4.1	Flammable solids
		Solids or waste solids, other than those classified as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
4.2	H4.2	Substances or wastes liable to spontaneous combustion
		Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up in contact with air, and being then liable to catch fire.
4.3	H4.3	Substances or wastes which, in contact with water, emit flammable gases
		Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
5.1	H5.1	Oxidising
		Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen, cause or contribute to, the combustion of other materials.
Dangerous Goods Class (UN Class*)	UN Code	
5.2	H5.2	Organic peroxides
		Organic substances or wastes which contain the bivalent-O-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
6.1	H6.1	Poisonous (acute)
		Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.
6.2	H6.2	Infectious substances
		Substances or wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

8	H8	Corrosives
		Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.
9	H10	Liberation of toxic gases in contact with air or water
		Substances or wastes which, by liberation with air or water, are liable to give off toxic gases in dangerous quantities.
9	H11	Toxic (delayed or chronic)
		Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
9	H12	Ecotoxic
		Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.
9	H13	Capable of yielding another material which possesses H1-H12
		Capable by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.
		Other Reasons
		Potential to have a significant adverse impact on ambient air quality.
		Potential to have a significant adverse impact on ambient marine, estuarine or fresh water quality.
*UN Class and Code relates to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods as used in Australia.		

SCHEDULE B

Pursuant to clause 12, all controlled waste transported subject to this policy shall be accompanied by the following information, wherever applicable, in a manner approved by the jurisdiction of origin. In the event of electronic tracking being used, the information required should also accompany the wastes in printed form.

Part 1: To be supplied by the waste producer

- Description of the waste(s) [Use proper shipping name/technical name if applicable for Dangerous Goods]
- The physical nature of the waste
- Waste code(s)

- Contaminant(s)
- UN Number(s)
- UN Code(s)
- Dangerous Goods Class(es) (UN Class(es)) [and Subsidiary Risk if applicable for Dangerous Goods]
- Packaging Group number
- Amount of waste(s)
- Waste origin code (ANZ Standard Industry Code)
- Type of package (e.g., bulk) [and number of packages of each type if applicable for Dangerous Goods]
- Facility name
- Facility address
- Facility licence number
- State/Territory of destination
- Name of waste producer
- Address of waste source
- Producer's telephone number
- Emergency contact number in the event of accident or spillage
- Consignment authorisation number
- Producer identification number
- Date of dispatch

Part 2: To be supplied by the transporter

- Name of transporter(s)
- Address of transporter(s)
- Vehicle registration number(s)
- Name(s) of transit State(s)/Territory or Territories
- Transport licence number(s)
- Date of transport
- Type of transport e.g., train, truck

Part 3: To be supplied by the facility operator

- Type of treatment at facility
- Date of receipt at facility
- Any discrepancies noted in information provided in Parts 1 and 2 of Schedule B should be reported as required by the relevant agency in the jurisdiction in which the facility is located.

Dated 6 December 2001

Responsible Minister
SHERRYL GARBUTT MP
Minister for Environment and Conservation

HELEN DOYE
Clerk of the Executive Council

Industrial Waste Management Policy (Movement of Controlled Wastes between States and Territories)

EXPLANATORY NOTES**BACKGROUND TO THE POLICY**

Industrial waste management policies (IWMPs) are declared by the Governor in Council under sections 16(1A) and 17A of the **Environment Protection Act 1970**. The industrial waste management policy (Movement of Controlled Waste between States and Territories) is a new policy which reflects the National Environmental Protection (Movement of Controlled Waste between States and Territories) Measure within Victoria.

The National Environment Protection Measure for the Movement of Controlled Waste between States and Territories was made by the National Environment Protection Council in June 1998.

The Measure provides a legal basis for the movement of controlled wastes across State and Territory borders and aims to reduce potential adverse impacts on the environment resulting from the movement of controlled wastes from one jurisdiction into another by establishing a nationally consistent system for tracking the waste.

The industrial waste management policy (Movement of Controlled Waste between States and Territories) adopts the requirements of that Measure thereby providing the Environment Protection Authority with information about the transportation of controlled wastes into and out of the State of Victoria.

INDUSTRIAL WASTE MANAGEMENT POLICY (MOVEMENT OF CONTROLLED WASTE BETWEEN STATES AND TERRITORIES) IN DETAIL

The policy is preceded by the necessary preamble for an Order in Council. The purpose of the Order is to declare the industrial waste management policy (Movement of Controlled Waste between States and Territories).

PART 1 – PRELIMINARY***Title***

Clause 1 states that the title of the new policy is industrial waste management policy (Movement of Controlled Waste between States and Territories).

Commencement

Clause 2 states when the policy comes into effect.

Definitions

Clause 3 provides specific definitions of various words and terms used throughout the policy.

PART 2 – POLICY FRAMEWORK***Policy Objective***

Clause 4 sets out the objectives of the policy which are to:

- implement the National Environment Protection (Movement of Controlled Waste between States and Territories) Measure within the State of Victoria
- minimise the potential adverse impacts on the environment and human health associated with the movement of controlled waste.

Policy Intent

Clause 5 sets out the intent of the policy which is to implement a management framework to control the movement of wastes originating from commercial, trade, industrial or business activities into and out of the State of Victoria. The clause states that this will be done through tracking, regulation, prior notification and licensing systems.

Policy Principles

Clause 6 sets out the principles of ecologically sustainable development that apply to the policy.

Schedules to the Policy

Clause 7(1) states the information that is contained in Schedule A to the policy. Clause 7(2) states the information that is contained in Schedule B to the policy.

Exclusions to the Policy

Clause 8 details the circumstances in which the requirements of the policy do not apply.

Exemptions allowed by the Policy

Clause 9 details exemptions that may be allowed from certain requirements of the policy such as prior notification, waste tracking and providing information to the Authority. This clause also states an exemption will only be granted provided the Authority, and other affected jurisdictions, consider that the exemption is in keeping with the objectives and intent of the policy, and the exemption is formalised in writing.

Review of the Policy

Clause 10 states that if the National Environment Protection (Movement of Controlled Waste between States and Territories) Measure is amended, the policy will also be amended to take any changes into account.

PART 3 – ATTAINMENT PROGRAM***Features for the establishment of a system for the movement of controlled wastes***

Clause 11 states the various features of the system for the movement of controlled wastes into and out of the State of Victoria.

Sub-clauses 11(1), (2) and (3) place requirements on the Authority to enable agreement to mutual recognition between the State of Victoria and other jurisdictions.

Sub-clauses 11(4) establishes consignment authorisation requirements on producers of controlled wastes who intend to transport their wastes into Victoria. Sub-clause 11(5) states that, in determining the appropriateness of issuing a consignment authorisation, EPA will, wherever it is necessary, consult with other jurisdictions.

Sub-clause 11(6) details matters the Authority will take into account in considering an application for consignment authorisation. These include, but are not limited to:

- whether the facility to which the controlled waste is directed is appropriately licensed or approved by the Authority,
- relevant environment protection policies and legislation,
- the appropriateness of disposal or treatment of the waste in Victoria where there is a suitable facility in the jurisdiction of origin; and
- whether the transportation of the controlled waste into Victoria for temporary storage is necessary.

Sub-clause 11(7) places an obligation on the Authority to ensure that all controlled wastes that are transported in accordance with the policy are accompanied by the information set out in Schedule B to the policy and that the facility accepting the waste also completes its requirements under Schedule B.

Sub-clause 11(8) places obligations on :

- producers and facility operators to provide, and transporters to carry, the information required by Schedule B to the policy;
- the Authority to ensure that where controlled wastes are coming into Victoria, consignment authorisations are issued or refused within 5 working days and that an explanation is provided for any refusal of a consignment authorisation.

Sub-clause 11(9) states that the Authority will ensure that records generated by the tracking system are kept for at least 12 months.

Sub-clause 11(10) details information that the Authority will provide to the National Environment Protection Council on an annual basis.

Failure to provide information, or giving false or misleading information

Clause 12 details the circumstances in which the Authority will take enforcement action against any producer, transporter, or facility operator who either fails to provide information to the Authority or provides false or misleading information.

Confidentiality

Clause 13 states the circumstances in which the Authority will consider claims of commercial confidentiality.

SCHEDULE A

Schedule A lists the categories and characteristics of wastes that are controlled under this policy. If a waste falls under one or more of these categories in List 1, or has one or more of the characteristics in List 2 of Schedule A, then that waste is to be considered a controlled waste.

SCHEDULE B

Part 1 lists the information that is required to be supplied to the relevant Authority by the producer of a controlled waste that is to be transported to another state.

Part 2 lists the information that is required to be supplied to the relevant Authority by the transporter of a controlled waste that is to be transported to another state.

Part 3 lists the information that is required to be supplied to the relevant Authority by the facility operator of a facility that receives controlled wastes transported from another state.

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