



Hazardous Waste (Regulation of Exports and Imports) (Imports from East Timor) Regulations 2003

Statutory Rules No. 56, 2003

made under the

Hazardous Waste (Regulation of Exports and Imports) Act 1989

Compilation No. 1

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Hazardous Waste (Regulation of Exports and Imports) (Imports from East Timor) Regulations 2003* that shows the text of the law as amended and in force on 1 July 2017 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name of Regulations

These Regulations are the *Hazardous Waste (Regulation of Exports and Imports) (Imports from East Timor) Regulations 2003*.

4 Definition

In these Regulations:

Act means the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*.

5 Purpose of these Regulations (Act s 13C)

For section 13C of the Act, these Regulations are a set of Article 11 regulations that provide for and in relation to giving effect to an Article 11 arrangement, being the bilateral arrangement between Australia and the Democratic Republic of East Timor, the text of which is set out in Schedule 1.

Note 1: Section 4C of the Act provides that the Minister may declare that an arrangement entered into by Australia is an Article 11 arrangement under the Basel Convention. On 9 December 2002 the Minister made such a declaration.

Note 2: The Basel Convention is in Australian Treaty Series 1992 No. 7 ([1992] ATS 7) and could in 2017 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

6 Contents of these Regulations (Act s 13D)

- (1) Proposals to import hazardous waste from the Democratic Republic of East Timor are within the scope of these Regulations.
- (2) The Minister may grant special import permits authorising the import of hazardous waste from the Democratic Republic of East Timor.

7 Import permit

Sections 12 and 13B, and Divisions 3 and 4 of Part 2, of the Act are taken to apply in relation to a special import permit granted under subregulation 6 (2), or an application for such a permit, as if:

- (a) a reference in those provisions (except section 13B) to a Basel permit or a Basel import permit were a reference to a special import permit to import hazardous waste from the Democratic Republic of East Timor; and
- (b) the following provisions were omitted:
 - (i) subsections 17 (8) and 18B (1);
 - (ii) provisions that apply in relation to an export permit or a transit permit, or an application for an export permit or a transit permit, and do not apply in relation to an import permit.

Regulation 8

8 Requests for further information

- (1) This regulation applies to a person if:
 - (a) the person applies for a special import permit, or for a variation of such a permit, under a provision of Part 2 of the Act as applied by regulation 7; and
 - (b) the Minister gives the person a request under section 15 or 28 of the Act, as applied by regulation 7, in relation to the application.
- (2) The person must comply with the request before the later of the following times:
 - (a) the end of 30 days after the request is given;
 - (b) if the Minister, by written notice to the person, allows a longer period—the end of that longer period.
- (3) If the person does not comply with the request before that time, the application is taken to be withdrawn at that time.
- (4) Applications may be made to the Administrative Appeals Tribunal for review of decisions of the Minister under paragraph (2)(b) to refuse to allow a longer period for a request to be complied with.

Schedule 1—Bilateral arrangement between Australia and the Democratic Republic of East Timor

(regulation 5)

Text of Australian Government note 36/2002 of 31 October 2002

The Australian Embassy to the Democratic Republic of East Timor presents its compliments to the Ministry for Foreign Affairs and Cooperation of the Democratic Republic of East Timor and has the honour to refer to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, done at Basel on 22 March 1989 (‘the Basel Convention’).

The Australian Embassy has the further honour to advise the Ministry for Foreign Affairs and Cooperation that, by virtue of Article 4, paragraph 5 and Article 11 of the Basel Convention, Australia, as a party to the Basel Convention, may only import hazardous wastes or other wastes from a non-party pursuant to an arrangement with that non-Party that does not derogate from the environmentally sound management of hazardous wastes and other wastes as required by the Basel Convention.

The Australian Embassy has the honour to propose that, until such time as the Democratic Republic of East Timor may become a Party to the Basel Convention, the importation to Australia of hazardous wastes from the Democratic Republic of East Timor be pursuant to the following arrangements:

1. Transboundary movements of hazardous waste between Australia and the Democratic Republic of East Timor (hereinafter referred to as ‘the parties’) will be regulated by any relevant national legislation in force in the two states.
2. The competent authority in Australia is Environment Australia. The relevant national legislation in Australia is the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*.
3. Environment Australia is responsible for receiving the notification of a transboundary movement of hazardous wastes, and any information related to it, and for responding to such a notification, as provided in national legislation. Environment Australia will immediately notify East Timor of any amendment to its legislation.
4. An export of hazardous waste from the Democratic Republic of East Timor to Australia may not take place until the shipment concerned is granted an import permit issued by the Australian Government.
5. All arrangements in relation to the import of hazardous waste into Australia must not derogate from the environmentally sound management of hazardous wastes, as required by the Basel Convention.

The Australian Embassy has the further honour to propose that, if the foregoing is acceptable to the government of the Democratic Republic of East Timor, then this note, and the Ministry of Foreign Affairs and Cooperation's note in reply to that effect, will together constitute an arrangement between the Government of Australia and the Government of the Democratic Republic of East Timor concerning the transboundary movement of hazardous wastes that will come into effect on the date of the Ministry of Foreign Affairs' note in reply.

The Australian Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

**Text of Democratic Republic of East Timor Government note
MNEC/363/2002 of 4 November 2002**

The Ministry of Foreign Affairs and Cooperation presents its compliments to the Australian Embassy and has the honor to refer to the Embassy's Note No. 36 of 2002, which reads as follows:

'The Australian Embassy to the Democratic Republic of Timor-Leste presents its compliments to the Ministry of Foreign Affairs and Cooperation of the Democratic Republic of Timor-Leste and has the honor to refer to the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal, done at Basel on 22 March 1989 ('the Basel Convention').

The Australian Embassy has the further honor to advise the Ministry of Foreign Affairs and Cooperation that, by virtue Article 4, paragraph 5 and Article 11 on the Basel Convention, Australia, as a party to the Basel Convention, may only import hazardous wastes or other wastes from non-party pursuant to an arrangement that non-Party that does not derogate from the environmentally sound management of hazardous wastes and other wastes as required by the Basel Convention.

The Australian Embassy has the honor to propose that, until such times as the Democratic Republic of Timor-Leste may become a Party to the Basel Convention, the importation to Australia of hazardous wastes from Democratic Republic of Timor-Leste is pursuant to the following arrangements:

1. Transboundary movements of hazardous waste between Australia and the Democratic Republic of Timor-Leste (hereinafter referred to as 'the Parties') will be regulated by any relevant national legislation in force in the two states
2. The competent authority in Australia is Environment Australia. The relevant national legislation in Australia is the *Hazardous Waste (Regulation of Export and Imports) Act 1989*.
3. Australia's competent authority is responsible for receiving the notification of a transboundary movement of hazardous wastes, and any information related to it, and for responding to such a notification, as provided in national legislation. Australia's

competent authority will immediately notify Timor-Leste of any amendment to its legislation.

4. An export of hazardous waste from the Democratic Republic of Timor-Leste to Australia may not take place until the shipment concerned is granted an import permit issued by the Australian Government.
5. All arrangements in relation to the [import] of hazardous waste into Australia must not derogate from the environmentally sound management of hazardous waste, as required by the Basel Convention.

The Australian Embassy has the further honor to propose that, if the foregoing is acceptable to the Government of the Democratic Republic of Timor-Leste, then this note, and the Ministry of Foreign Affairs and Cooperation's note in reply to that effect, will together constitute an arrangement between the Government of Australia and the Government of Democratic Republic of Timor-Leste concerning the Transboundary movement of hazardous wastes that will come into effect on the date of the Ministry of Foreign Affairs' note in reply.

The Australian Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.'

The Ministry of Foreign Affairs and Cooperation has the honour to advise that the foregoing content of the mentioned note is acceptable to the Government of the Democratic Republic of Timor-Leste, with the request of permission to be present one of our representative during the starting of the movement of Hazardous wastes, from Timor-Leste. The Embassy's note and this reply note will together constitute an arrangement between the Government of the Democratic Republic of Timor-Leste and the Government of Australia concerning the Transboundary, movement of hazardous wastes that will come into effect on the date of this note.

The Ministry of Foreign Affairs and Cooperation of the Democratic Republic of Timor-Leste avails itself of this opportunity to renew to the Australian Embassy the assurances of its highest consideration.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s)
C[x] = Compilation No. x	/sub-subparagraph(s)
Ch = Chapter(s)	pres = present
def = definition(s)	prev = previous
Dict = Dictionary	(prev...) = previously
disallowed = disallowed by Parliament	Pt = Part(s)
Div = Division(s)	r = regulation(s)/rule(s)
ed = editorial change	reloc = relocated
exp = expires/expired or ceases/ceased to have effect	renum = renumbered
F = Federal Register of Legislation	rep = repealed
gaz = gazette	rs = repealed and substituted
LA = <i>Legislation Act 2003</i>	s = section(s)/subsection(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
(md) = misdescribed amendment can be given effect	Sdiv = Subdivision(s)
(md not incorp) = misdescribed amendment cannot be given effect	SLI = Select Legislative Instrument
mod = modified/modification	SR = Statutory Rules
No. = Number(s)	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Hazardous Waste (Regulation of Exports and Imports) (Imports from East Timor) Regulations 2003 (SR No. 56, 2003)	14 Apr 2003 (gaz)	14 Apr 2003 (r 2)	
Hazardous Waste (Regulation of Exports and Imports) Legislation Amendment (2017 Measures) Regulations 2017	29 June 2017 (F2017L00788)	Sch 1 (items 2, 3): 1 July 2017 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
r 2	rep LA s 48D
r 3	rep LA s 48C
r 5	am F2017L00788
r 8	ad F2017L00788