

Amendments to Annexes VIII and IX of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

Introduction

- 7.1 The *Amendments to Annexes VIII and IX of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal* (the Amendments) clarifies certain provisions of Annex VIII and Annex IX of the Basel Convention.¹

Background

- 7.2 The Amendments are a result of the seventh meeting of the Conference of the Parties to the Basel Convention in Geneva from 25 to 29 October 2004 and the Amendments entered into force for all Parties, including Australia, on 8 October 2005.² The Amendments were tabled in Parliament on 28 March 2006.
- 7.3 As a result, the Committee did not have the opportunity to consider the Amendments before they had entered into force.

1 National Interest Analysis (NIA), para. 5

2 NIA, paras 2 and 4; Ms Mary Harwood, *Transcript of Evidence*, 8 May 2006, p. 16.

- 7.4 The Minister for the Environment and Heritage, Senator the Hon Ian Campbell, wrote to the Chair of the Committee to inform him that the Amendments were not tabled in the Parliament when they should have been. The Minister also informed the Committee that there are now procedures in place within the work area which will ensure sufficient time for future treaty actions to be considered by the Committee.³
- 7.5 Representatives from the Department of the Environment and Heritage informed the Committee that:
- There is a greater awareness of the requirements and ... processes that mean that, where such amendments arise, we will bring them to the attention of the committee.⁴
- 7.6 The Basel Convention was established to control the movement of hazardous wastes between countries. The Basel Convention requires that a State must provide prior consent to the importation or movement of hazardous waste into or through its territory.⁵ The Basel Convention also puts the onus on exporting countries to ensure that hazardous wastes are managed in an environmentally sound manner in the country of import.⁶

The Amendments

- 7.7 The Amendments clarify which wastes are or are not covered by the Basel Convention by inserting a new entry A 1190 in Annex VIII and a new entry B 115 in Annex IX.
- 7.8 Annexes VIII and IX were adopted as part of the Basel Convention in 1998 to clarify whether particular wastes should be regarded as hazardous wastes for the purposes of the Basel Convention.⁷ The Annexes do not alter the existing obligations under the Basel Convention.⁸

3 Senator the Hon Ian Campbell, Minister for the Environment and Heritage, *Letter*, 24 March 2006.

4 Ms Mary Harwood, *Transcript of Evidence*, 8 May 2006, p. 17.

5 NIA, para. 7; Article 4 of the Basel Convention.

6 NIA, para. 7.

7 NIA, para. 9.

8 NIA, paras 9 and 11.

7.9 Annex VIII lists wastes that are to be considered hazardous and Annex IX lists wastes that are not to be considered hazardous.⁹

7.10 The new entry A 1190 in Annex VIII provides that:

Waste cables coated or insulated with plastics containing or contaminated with coal tar, PCB¹⁰, lead, cadmium, other organohalogen compounds or other Annex I constituents to an extent that they exhibit Annex III characteristics.

7.11 The new entry B 1115 in Annex IX provides that:

Waste metal cables coated or insulated with plastics not included in list A A1190, excluding those destined for Annex IVA operations or any other disposal operations involving, at any stage, uncontrolled thermal processes, such as open-burning.

Costs and consultation

7.12 The National Interest Analysis provides that there will be no additional costs as no new controls are required to implement the Amendments.

7.13 Consultation relating to the Amendments was undertaken with State and Territory governments and through the Hazardous Waste Act Policy Reference Group (PRG). The PRG is made up of industry and environment stakeholders in addition to interested Commonwealth Governmental departmental and agency officers.¹¹

Conclusion

7.14 The Committee supports further clarification of Australia's obligations relating to hazardous wastes. However, the Committee reiterates the importance of the treaty scrutiny process and encourages further awareness within all Commonwealth Government departments of this process so that all treaty actions are tabled in the Parliament to allow sufficient time for review, prior to their entry into force.

9 NIA, para. 9.

10 Polychlorinated biphenyls (PCBs). PCBs are at concentration level of 50mg/kg or more. The Basel Convention.

11 NIA 'Consultation', para. 1.

