



# Victoria Government Gazette

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## Environment Protection Act 1970

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

#### Certificate of Special Reasons as a Result of Which a Waste Management Policy Should be Varied Without Delay

I, Gavin Jennings, Minister for Environment and Climate Change, certify under section 18B of the **Environment Protection Act 1970** that the Industrial Waste Management Policy (Movement of Controlled Waste between States and Territories) ('the Policy') should be varied without delay.

Victoria has in place a framework to avoid and promote re-use and re-cycling of hazardous wastes. It is not Government's intention to allow the transport of wastes to other states and territories for disposal except where it is environmentally preferable to do so.

This variation is necessary to ensure that hazardous waste generated in Victoria is transported interstate only when Environment Protection Authority has issued an approval. Environment Protection Authority must not issue an approval unless it is satisfied that the waste will be:

- re-used, re-cycled or used for the recovery of energy in accordance with the wastes hierarchy; or
- destroyed or deposited at a facility with better environmental performance standards than is available in Victoria.

As such, special reasons exist which require the Policy to be varied without delay.

Dated 14 July 2008

GAVIN JENNINGS MLC  
Minister for Environment and Climate Change

## Environment Protection Act 1970

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

#### Order in Council

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council, under section 16A of the **Environment Protection Act 1970**, and on the recommendation of the Environment Protection Authority, varies the Industrial Waste Management Policy (Movement of Controlled Waste between States and Territories) as follows:

**1. Objective**

The objective of this Order is to clarify the intent of the Industrial Waste Management Policy (Movement of Controlled Waste between States and Territories) made by the Governor in Council on 6 December 2001 and published in Government Gazette S 222 on 6 December 2001.

**2. Commencement**

This Order will come into operation on the day it is published in the Government Gazette.

**3. References to the Policy**

In this Order, the Industrial Waste Management Policy (Movement of Controlled Waste between States and Territories) is called the Policy.

**SPECIAL**

**4. Definitions**

In clause 3 of the Policy insert –

“**prescribed industrial waste**” has the same meaning as in the Environment Protection (Prescribed Waste) Regulations 1998.”.

**5. New Policy Objective**

- (1) In clause 4(b) of the Policy, for “health.” insert “health;”.
- (2) After clause 4(b) insert –
  - “(c) prevent the unnecessary movement of prescribed industrial waste in a non-liquid form produced in Victoria to another State or Territory.”.

**6. New clause 11A**

After clause 11 of the Policy insert –

“**11A Approval to move prescribed industrial waste in non-liquid form out of Victoria**

- (1) A person intending to move prescribed industrial waste in a non-liquid form produced in Victoria to another State or Territory must obtain an approval from the Authority, prior to movement of the waste.
- (2) The Authority must not issue an approval unless it is satisfied that the waste will be –
  - (a) re-used, re-cycled or used for the recovery of energy in accordance with the principle of wastes hierarchy; or
  - (b) destroyed or deposited at a facility with better environmental performance standards than is available in Victoria.
- (3) The Authority must decide whether to issue an approval within 20 business days of receiving the request.
- (4) If the Authority has not decided whether to issue the approval within 20 business days of receiving the request, the Authority is taken to have refused to issue the approval.
- (5) An approval may be issued subject to any conditions specified by the Authority and must be subject to a condition stating when the approval expires.”.

Dated 23 July 2008

Responsible Minister

GAVIN JENNINGS

Minister for Environment and Climate Change

RYAN HEATH  
Clerk of the Executive Council

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