

LEGISLATIVE COUNCIL

Question on notice

15 MAY 2012

Thursday, 29 March 2012

5438. Hon Robin Chapple to the Minister for Mines and Petroleum.

With reference to the answer to question without notice No. 116 and the Customs (Prohibited Imports) Regulations 1956, Regulation 4R Importation of radioactive substances, Hazardous Waste (Regulation of Exports and Imports) Act 1989 and Hazardous Waste (Regulation of Exports and Imports) Regulations 1996, I ask -

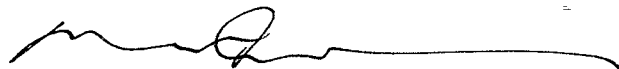
- (1) If the waste material is not classified as hazardous under any of the above, can the Minister identify what act or regulation prohibits the Lynas waste from import?
- (2) If the waste material is classified as hazardous under any of the above, can the Minister identify under which regulation it is deemed hazardous and why?

Answer

(1) & (2)

A waste material is considered to be hazardous under the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* and Regulations if it falls within the scope of one of the categories listed in Annex 1 of the Basel Convention. A technical analysis is usually required to determine if a substance is considered hazardous under this Act. If the waste material is classified as a radioactive substance then the *Nuclear Non Proliferation (Safeguards) Act 1987*(Cth) that implements Australia's obligations under the Nuclear Non Proliferation Treaty 1970 applies.

Furthermore, the provisions of the Commonwealth Customs (Prohibited Imports) Regulations 1956, apply to any material that is classified as a radioactive substance. Under these regulations, a material that is classified as a radioactive substance is not permitted into Australia without an import permit issued by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).



MINISTER FOR MINES AND PETROLEUM