

National Waste Reporting 2013

OVERVIEW – WASTE-RELATED INTERNATIONAL OBLIGATIONS

Key fact: On 16 September 2009, the Vienna Convention and the Montreal Protocol became the first treaties in the history of the United Nations to achieve universal ratification.

Australia is party to a number of international conventions and agreements relevant to waste (including marine debris) that have been reflected in national legislation, strategies and policy frameworks.

International conventions and agreements (in chronological order)

- The [Basel Convention](#) (Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal) came into force in 1992. It has 180¹ member countries (Parties)—including Australia—and aims to protect human health and the environment against the adverse effects resulting from the generation, management, transboundary movements and disposal of hazardous and other wastes.

The Basel Convention is implemented in Australia by the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*. For more information visit

<http://www.environment.gov.au/topics/environment-protection/hazardous-waste/about-hazardous-waste-act>

- The [Waigani Convention](#) (Convention to ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region) opened for signature in 1995 and entered into force in 2001. The Convention is open to all Pacific Island Forum countries. As of October 2012, there are 13 parties: Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

The objectives of the Waigani Convention are to:

- reduce or eliminate transboundary movements of hazardous and radioactive waste into and within the Pacific region
 - minimise the production of hazardous and toxic wastes in the Pacific region
 - ensure that disposal of wastes is completed in an environmentally sound manner and as close to the source as possible
 - assist Pacific island countries that are parties to the Convention in the environmentally sound management of hazardous wastes they generate.
- The [Stockholm Convention](#) (Stockholm Convention on Persistent Organic Pollutants) came into force on 17 May 2004, with Australia ratifying the Convention on 20 May 2004 and becoming a party on 18 August 2004.

¹ <http://www.basel.int/Countries/StatusofRatifications/PartiesSignatories/tabid/1290/Default.aspx> - accessed 19/7/13

The Stockholm Convention is a global treaty that aims to protect human health and the environment from chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of humans and wildlife, and have adverse effects on human health or to the environment.

- The **Rotterdam Convention** (Rotterdam Convention on the Prior Informed Consent Procedure for Hazardous Chemicals and Pesticides in International Trade) was adopted on 10 September 1998, and came into force on 24 February 2004. Australia signed the Convention on 6 July 1999 with it coming into force on 20 May 2004. The objectives of the Rotterdam Convention are to:
 - promote shared responsibility and cooperative efforts among parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm
 - contribute to the environmentally sound use of those hazardous chemicals, by facilitating information exchange about their characteristics, by providing for national decision-making process on their import and export and by disseminating these decisions to parties.
- The **Vienna Convention** (Vienna Convention for the Protection of the Ozone Layer) is often called a framework convention, because it served as a framework for efforts to protect the globe's ozone layer. The Vienna Convention was adopted in 1985 and entered into force on 22 September 1988. The objectives of the Convention were for parties to promote cooperation by means of systematic observations, research and information exchange on the effects of human activities on the ozone layer and to adopt legislative or administrative measures against activities likely to have adverse effects on the ozone layer.

The Vienna Convention did not require countries to take concrete actions to control ozone depleting substances. Instead, in accordance with the provisions of the Convention, the countries of the world agreed the Montreal Protocol under the Convention to advance that goal.

- The **Montreal Protocol** (Montreal Protocol on Substances that Deplete the Ozone Layer), which entered into force in 1989, was designed to reduce the emissions of ozone depleting substances to the atmosphere as a means to protect the earth's fragile ozone layer. It does this by setting binding progressive phase-out obligations for developed and developing countries for all the major ozone depleting substances, including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs) and halons across a number of industrial sectors. Australia ratified the Montreal Protocol in 1989, and has subsequently ratified all of its five amendments.

Australia's Montreal Protocol obligations are implemented through the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989. For more information visit <http://www.environment.gov.au/topics/environment-protection/ozone-and-synthetic-greenhouse-gases/legislation>.

- The **Kyoto Protocol** (Kyoto Protocol to the United Nations Framework Convention on Climate Change), which entered into force in 2005, obligates certain developed countries (including Australia which ratified the Protocol in 2007) to reduce their emissions of six main greenhouse gases - carbon dioxide, methane, nitrous oxide, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF6) over a commitment period from 2008-2012.

The Kyoto Protocol was amended in 2012 to incorporate a second commitment period from 2013-2020 and include a new gas, nitrogen trifluoride.

- On 10 October 2013, Australia became one of 92 signatory countries to the [Minimata Convention](#) (Minimata Convention on Mercury). The international initiative aims to protect human health and the environment from releases of mercury and mercury compounds. It will recognise mercury as a chemical of global concern due to its long-range transport in the atmosphere, its persistence in the environment, its ability to bioaccumulate in the ecosystems and its negative effect on human health and the environment.

Marine debris

Australia is a party to several international conventions and regional agreements that refer to marine debris.

- the [London Convention](#) (Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972) is an agreement to control pollution of the sea by dumping and to encourage regional agreements supplementary to the Convention. It covers the deliberate disposal at sea of wastes or other matter from vessels, aircraft, and platforms. It does not cover discharges from land-based sources such as pipes and outfalls, wastes generated incidental to normal operation of vessels, or placement of materials for purposes other than mere disposal, providing such disposal is not contrary to aims of the Convention. It entered into force in 1975.
- [MARPOL](#) (the International Convention for the Prevention of Pollution from Ships 1973, as amended by the Protocol of 1978) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. The MARPOL Convention was adopted on 2 November 1973 at IMO. The Protocol of 1978 was adopted in response to a spate of tanker accidents in 1976-1977 and the combined instrument entered into force on 2 October 1983. MARPOL has been updated by amendments through the years.

Amendments to Annex V of MARPOL came into force in January 2013, requiring garbage management plans for all vessels over 100 tonnes (or able to carry 15 passengers) and prohibiting the discharge of all garbage into the sea from vessels. The amendments also cover reporting lost fishing gear that poses a significant threat to the environment.

- the **United National Convention on the Law of the Sea** (UNCLOS) Part XII – Protection and preservation of the marine environment.
- The **Conference of Parties to the Convention on Migratory Species** adopted an Australian resolution on marine debris in November 2011. The resolution encourages the identification of marine debris sources and aggregation sites, the sharing of knowledge and best practice, the development of national plans of action for marine debris, and wider cooperation with relevant international bodies to reduce the impact of marine debris on migratory species.

At the Rio+20 UN Sustainability Conference 2012, leaders agreed to 'take action to reduce the incidence and impacts of such pollution on marine ecosystems and to further commit to take action to, by 2025, based on collected scientific data, achieve significant reductions in marine debris to prevent harm to the coastal and marine environment'².

For more information on marine debris see the marine debris factsheet or visit <http://www.environment.gov.au/topics/marine/marine-pollution/marine-debris>.

National Legislation to effect international obligations

The Australian Government is responsible for supporting Australia to meet its international obligations. It does this both directly, through legislation and other mechanisms, as well through action from state and territory governments. The Australian Government has enacted the following legislation to give effect to Australia's international obligations:

- The [**Hazardous Waste \(Regulation of Exports and Imports\) Act 1989**](#) (Hazardous Waste Act) regulates the export and import of hazardous waste to ensure that hazardous waste is disposed of safely so that human beings and the environment, both within and outside Australia, are protected from the harmful effects of the waste.
- To ensure that chemicals are managed safely to protect the environment and human health, industrial and agricultural chemicals are subject to the *Industrial Chemicals (Notification and Assessment) Act 1989* and the *Agricultural and Veterinary Chemicals Act 1994*.
- Waters surrounding Australia's coastlines are protected from wastes and pollution dumped at sea by a range of legislation. The legislation giving effect to **MARPOL** in Australia is the ***Protection of the Sea (Prevention of Pollution from Ships) Act 1983***, and several Parts of Marine Orders made under this legislation. Separate state and territory legislation also gives effect to MARPOL.
- Other national legislation that relates to the management of waste in our marine environments is the [**Environment Protection and Biodiversity Conservation Act 1999**](#) (EPBC Act) and the [**Environment Protection \(Sea Dumping\) Act 1981**](#). In 2003, 'Injury and fatality to vertebrate marine life caused by ingestion of, or entanglement in, harmful marine debris' was listed as a key threatening process under the EPBC Act. The Australian Government produced a 'Threat abatement Plan for the impacts of marine debris on vertebrate marine life' in 2009 which provides a framework for the coordinated and integrated management of marine debris and identifies current knowledge gaps.
- In Australia, synthetic greenhouse gases are controlled by the [**Ozone Protection and Synthetic Greenhouse Gas Management Act 1989**](#). The Act is the legislative mechanism under which Australia meets its obligations to phase out ozone-depleting substances under the Montreal Protocol, and limit greenhouse gas emissions by controlling the use of synthetic greenhouse gases under the Kyoto Protocol.

² United Nations Resolution adopted by the General Assembly on 27 July 2012. 66/288. The future we want. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/476/10/PDF/N1147610.pdf?OpenElement>

The Act controls the manufacture, import and export of all ozone depleting substances (ODSs) and their synthetic greenhouse gas (SGG) replacements. It also controls imports of refrigeration and air-conditioning equipment containing an HFC or HCFC refrigerant and grants the Commonwealth the power to create a nationally consistent system to control the end uses of these harmful gases.

For more information on Australia's waste-related international reporting obligations see the *Review of Australia's International Waste-Related Reporting Obligations* available at <http://www.environment.gov.au/resource/review-australias-international-waste-related-reporting-obligations>.

For information on Australia's legislation, policies and governance for waste see the overview on policies and governance for waste.