



Australian Government

**Department of Agriculture,
Water and the Environment**

Regulating the export of waste plastics

Technical discussion paper on implementing the
regulation of waste plastic exports

January 2021



Summary

In March 2020, the Australian, state and territory governments, and the Australian Local Government Association, as members of the former Council of Australian Governments (COAG) agreed to regulate the export of waste paper, plastic (including processed engineered fuel), glass and tyres. By ensuring only waste paper, plastic, glass, and tyres that have been processed to an acceptable level can be exported, we are preventing these materials from being dumped overseas, reducing harm to the environment and human health.

The [Recycling and Waste Reduction Act 2020](#) ('the Act') provides the framework to regulate the export of waste materials. Rules underpinning the Act will set out the requirements and conditions that must be met for the regulated waste material to be exported.

There is a phased approach to regulating the export of waste materials. The regulation of waste glass commenced on 1 January 2021. The export of waste glass is implemented through the [Recycling and Waste Reduction \(Export – Waste Glass\) Rules 2020](#).

The next material type to be regulated is waste plastic. From 1 July 2021, waste plastic can only be exported if it has been sorted into single resin or polymer types, or processed with other materials into processed engineered fuel. From 1 July 2022, waste plastic can only be exported if it has been sorted into single resin or polymer types and has been further processed, or processed with other materials into processed engineered fuel.

We are consulting on the rules for the export of waste plastics. Your feedback is invited by 8 February 2021 to inform the development of these rules, before the regulation of waste plastic exports commences on 1 July 2021. Feedback is most useful when it responds directly to the questions asked in this paper – not decisions already taken by Australian First Ministers or laws legislated by the Australian Parliament.

Feedback

Your feedback in response to the questions in this Discussion Paper is invited to inform the development of rules to regulate the export of waste plastics from 1 July 2021.

Please email your feedback in PDF or Word to legislative.design@awe.gov.au.

Closing date for feedback: **COB 8 February 2021**.

Enquiries: Please direct any questions to legislative.design@awe.gov.au

The Department of Agriculture, Water and the Environment (the Department) does not intend to formally respond to all respondents, but may contact some respondents to discuss their feedback in greater detail.

Privacy and confidentiality

The Department will not publish information and personal information provided in response to this Discussion Paper unless required or authorised to do so by law. Further information about privacy and the publication of submissions is available at the end of this Discussion Paper. If you are providing feedback which contains the personal information of another individual, we ask that you obtain the consent of the individual, or if you are unable to do this to de-identify or remove the personal information before sending this to the Department.

Timeline

Date	Event
16 December 2020	The <i>Recycling and Waste Reduction Act 2020</i> became law
1 January 2021	Regulation of waste glass exports began
22 January 2021	Release of Waste Plastics Discussion Paper
8 February 2021	Feedback due on Waste Plastics Discussion Paper
March 2021	Stakeholder consultation on Draft Plastics Rule
May/June 2021	Minister makes the Waste Plastics Rule You will be able to apply for a licence to export plastic waste
1 July 2021	You will no longer be able to export mixed plastic waste You will need a licence to export plastic waste
1 July 2022	You will no longer be able to export single polymer or resin plastic waste that has not been reprocessed

Regulating Plastic Exports

The [Recycling and Waste Reduction Act 2020](#) ('the Act') provides the framework to regulate the export of waste materials. The Act and Rules, made under the Act, will set out the requirements and conditions that must be met for the regulated waste material to be exported. For example, waste plastic will be a regulated waste material in the Recycling and Waste reduction (Export – Waste Plastic) Rules 2021. These rules will be effective from 1 July 2021 for the commencement of the ban on the export of mixed plastics. Other rules will start from 1 July 2022 for the commencement of the ban on the export of unprocessed single polymer or resin plastics.

The Department is proposing to regulate waste plastic exports based on the implementation of the regulation of waste glass exports that commenced on 1 January 2021. Specific circumstances for waste plastics will be taken into account. Waste glass exports are regulated through the [Recycling and Waste Reduction \(Export – Waste Glass\) Rules 2020](#). Many of the requirements written into these rules are also likely to apply for the export of waste plastics.

This paper outlines the key questions in regulating waste plastics exports, and how they would be dealt with if we applied the model used for waste glass exports. Your feedback will help us determine if this model is appropriate and/or what changes we need to make to account for any specific circumstances. We have included a number of questions under each key issue that may help you write your feedback. If useful, an optional response template is included at Attachment A to help guide your response.

The Department will consult further with relevant stakeholders on an exposure draft of the waste plastics rule.

Questions

- 1. What is your involvement with waste plastic exports (e.g. exporter, processor, peak body)?**
- 2. Will you be applying for a licence to export waste plastic from 1 July 2021?**
If yes, what types of waste plastic will you be exporting (e.g. used HDPE milk bottles / recovered LDPE pallet wrap)?
- 3. Will you be exporting plastic waste that has been processed with other materials for use as processed engineered fuel?**
If yes, what types of waste plastics (product types and source) will you be exporting?

Key Issues

Licence Applications

From 1 July 2021, we will regulate the export of waste plastic. From this date, you will need a licence to export regulated waste plastic from Australia. You will only need one licence, even if you export different types of regulated waste materials (e.g. plastic and glass) or export your waste to multiple countries. Licences are granted for a maximum of 3 years. If you hold a licence to export waste glass, you will need to apply for a variation to your licence to export waste plastic.

You will be able to apply for a licence through our [Waste Export Licencing and Declaration \(WELD\)](#) portal.

Assuming similar rules apply as for waste glass, you are likely to be asked to provide information and demonstrate the following requirements:

- you are a fit and proper person
- you have the ability to process (or have someone else) process waste plastic to a specification/s you nominate
- you or the processor you use, have the equipment and/or machinery that will be used to process the material to the nominated specification/s
- the intended use of the material in the importing country.
- whether the specification/s you nominate is appropriate for the intended use
- commercial arrangements with importers
- whether you can comply with the licence conditions.

You are likely be asked to provide supporting evidence, including:

- previous importer and supplier contracts and invoices
- equipment and/or machinery specifications and receipts
- identification documents (e.g. driver's licence).

We are seeking your feedback on whether applying these rules for waste plastic will be practical for applicants while maintaining the integrity of the scheme.

Questions

- 4. Could you provide supporting evidence in your licence application to demonstrate licence application requirements listed above (e.g. processing capability and commercial arrangements)?**
- 5. What other evidence can you provide in your licence application to demonstrate any export will not negatively impact human and/or environmental health?**

Licence Conditions

If you are granted a licence to export regulated waste plastic, you will need to comply with any licence conditions. There will be standard licence conditions, which are conditions applied to every licence holder. We may also apply additional conditions on some licences to reflect individual circumstances. You must comply with all of your licence conditions. If you do not comply, you may be subject to a civil penalty or a criminal offence. We may also suspend or revoke your licence.

If similar standard conditions are applied to waste plastic as currently apply to waste glass licence holders, the standard licence conditions would include:

- For each consignment of regulated waste plastic, you will need to:
 - ensure the waste plastic complies with your nominated specification
 - have a commercial relationship with the importer
 - take a photograph of the processed waste plastic that shows the waste plastic clearly (i.e. sufficient resolution, brightness, contrast) and is time and date stamped
 - make a declaration in our [Waste Export Licencing and Declaration](#) (WELD) portal no more than 30 days prior to exporting (in addition to making an export declaration in the Australian Border Forces' Integrated Cargo System).
- If you are not the supplier of the regulated waste plastic, such as a logistics/freight business, you will need to have a commercial relationship with the supplier
- You would only be able to export waste plastic to the destination countries listed on your licence
- You would need to tell us as soon as practicable if:
 - you start exporting to a new importer
 - your supplier of the waste plastic changes
 - your freight forwarder or other agent changes

We are seeking your feedback on whether applying these licence conditions for waste plastic achieves environmental outcomes while reflecting industry practicalities.

Questions

- 6. Would you be able to comply with these type of licence conditions?**
- 7. If not, why would you not be able to comply with these types of licence conditions?**
- 8. Do you commonly make export declarations within 30 days of the export (i.e. when the ship leaves the port)?**

Exclusions and Exemptions

There are very few circumstances in which a waste material would be excluded from the requirements of the Act. Under the [waste glass rules](#), a licence is not required to export waste glass that is:

- exported for personal or domestic use
- imported into Australia on a temporary basis for re-export (e.g. shipped from a foreign country to another foreign country through an Australian port).

We are likely to include the same exclusions for waste plastics unless there are other circumstances that would justify a type of waste plastics to be excluded without undermining the Objects of the Act.

Exemptions are granted in very limited circumstances only. The decision to grant an exemption is made by the Minister. Exemptions are only valid for up to 12 months. You will be able to apply for an exemption through our [Waste Export Licensing and Declaration](#) portal. The Minister will consider applications for exemptions on a case-by-case basis. You will need to demonstrate good reason why the Minister should grant the exemption.

As an example, exporters are generally required to have a commercial relationship with the importer (i.e. buying and selling a valuable good). This helps ensure the processed waste is re-used or remanufactured (and not disposed of) in the receiving country. However, there may be specific circumstances where exporters may not have traditional commercial relationships. For example, an exporter may wish to test overseas machinery prior to purchasing by sending a sample for processing (and then having that sampled returned). This may require an exemption if their licence does not cover this type of export.

Under the [waste glass rules](#), there are specific requirements for exporters applying for an exemption to export a trade sample, such as export solely for the purposes of market testing. Exemption applications for trade samples must nominate the specification that the waste glass will be processed to. The Minister will consider if that specification meets certain requirements, including that the applicant can process waste glass to that specification and the specification is suitable for the intended use.

We are likely to include specific requirements for trade samples for waste plastics and are seeking feedback on whether there are any circumstances in which granting exemptions would be appropriate – noting that exemptions must meet the objects of the Act, including reducing the impact on human and environmental health.

Questions

- 9. Would your exports fit under any of the potential exclusion categories (e.g. exported for personal or domestic use)?**

If yes, please outline the type of waste plastics, the reason, and an indication of how often you undertake this activity?

- 10. Would your exports fit under any of the potential exemption categories (e.g. trade samples)?**

If yes, please outline the type of waste plastics the reason, and an indication of how often you undertake this activity?

- 11. Do you have any non-commercial arrangements with importers (e.g. research/university, philanthropy, humanitarian exports)?**

If yes, please outline the type of waste plastics and the nature of the arrangements?

Obligations under other Laws and Programs

The [Recycling and Waste Reduction Act 2020](#) is not the only Australian law you may have obligations under in relation to your export. You will still have obligations under general export and trade rules. You may also have obligations under other Australian Government environmental laws and programs, including:

- [Hazardous Waste \(Regulation of Exports and Imports\) Act 1989](#): regulates the export, import and transit of hazardous waste to ensure that hazardous waste is dealt with appropriately so that human beings and the environment, both within and outside Australia, are protected from the harmful effects of hazardous waste. This legislation implements Australia's commitments under the [Basel Convention](#).
 - Amendments to the Basel Convention (conventionally known as the '[Plastic Waste Amendments](#)') became effective as of 1 January 2021. These amendments enhance the control of the transboundary movements of plastic waste and clarifies the scope of the Convention as it applies to such waste. The Government is progressing amendments to implement these amendments into domestic legislation.
- [National Television and Computer Recycling Scheme](#): provides households and businesses free access to industry-funded collection and recycling services for televisions and computers, including printers, computer parts and peripherals. The scheme is legislated under the [Recycling and Waste Reduction Act 2020](#) and [Product Stewardship \(Televisions and Computers\) Regulations 2011](#).
- [Other Product Stewardship Schemes](#): In addition to the National Television and Computer Recycling Scheme, you may be part of other product stewardship schemes such as Mobile Muster. These schemes support the environmentally sound management of products and materials over their life, including end of their useful life. These arrangements may be voluntary, mandatory or shared with industry.
- [International Chemical Conventions](#): Australia takes part in international conventions and forums that manages the use and release of chemicals. This helps developing countries make informed decisions about importing chemicals and promotes global cooperation on chemicals management. This includes the [Stockholm Convention](#), [Rotterdam Convention](#) and [Minamata Convention](#).

You will also need to meet any requirements imposed by the importing country. Being granted an Australian waste export licence does not remove any requirements from importing countries.

We are seeking your feedback on what domestic and international obligations you have for your waste plastic exports.

If you believe, or are unsure if you have obligations under other Australian Government environmental laws or programs, please contact the Department as outlined below.

Hazardous Waste

Hazardous Waste Section
Department of Agriculture, Water and the Environment
Phone: 1800 803 772
Email: hwa@awe.gov.au

National Television and Computer Recycling Scheme

Product Stewardship Section
Department of Agriculture, Water and the Environment
Phone: 1800 803 772
Email: ewaste@environment.gov.au

International Chemicals Conventions

Chemicals Policy & International Section
Department of Agriculture, Water and the Environment
Phone: 1800 803 772
Email: chemicals@awe.gov.au

Questions

- 12. If you export plastic waste, are you aware of any obligations or potential interactions under the:**
 - a. *Hazardous Waste Act 1989* and/or Basel Convention (including the Plastic Waste Amendments to the Basel Convention)**
 - b. National Television and Computer Recycling Scheme;**
 - c. International Chemicals Conventions (e.g. Stockholm, Minamata and Rotterdam Conventions).**
- 13. If yes, how do you expect these obligations will be impacted by the regulation of plastic waste exports?**

Commodity Codes

Australian Harmonized Export Commodity Classification (AHECC) codes must be used by exporters when they are declaring consignments in the Australian Border Force's Integrated Cargo System.

Licensed exporters of waste plastics will need to enter the correct code when declaring consignments in our [Waste Export Licensing and Declaration](#) portal and in Australian Border Force's Integrated Cargo System. The existing codes are:

Waste plastics codes:

- polymers of ethylene (391510)
- polymers of styrene (391520)
- polymers of vinyl chloride (391530)
- other plastics (391590)

Plastics in primary forms codes

- polymers of ethylene (3901)
- polymers of propylene (3902)
- polymers of styrene (3903)
- polymers of vinyl chloride or other halogenated olefins (3904)
- polymers of vinyl acetate or of other vinyl esters and other vinyl polymers (3905)
- acrylic polymers (3906)
- polyacetals, other polyethers and epoxide resins, polycarbonates, alkyd resins, polyallyl esters and other polyesters (3907)
- polyamides (3908)
- amino-resins, phenolic resins and polyurethanes (3909)
- silicones (3910)
- petroleum resins, coumarone-indene resins, polyterpenes, polysulphides, polysulphones (3911)

Processed engineered fuel codes (waste materials collected from commercial, industrial, construction or demolition activities, sorted, shredded, to a size suitable for combustion).

- ferro-cerium and other pyrophoric alloys in all forms; articles of combustible materials; other (360690)
- residual products of the chemical or allied industries, not elsewhere specified or included; municipal waste; sewage sludge; other (382510).

We expect waste plastic exporters to be using these codes. However, we are working with the Australian Border Force to identify other codes that are used.

Questions

14. Do you export under any other Australian Harmonized Export Commodity Classification (AHECC) code not listed above?

15. If yes, why do you use this different AHECC code?

List of Questions

For your convenience, please see below for a consolidated list of questions. This duplicates the questions asked at the end of each key issue.

Questions

- 1. What is your involvement with waste plastic exports (e.g. exporter, processor, peak body)?**
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If yes, what types of waste plastics (product types and source) will you be exporting?
- 4. Could you provide supporting evidence in your licence application to demonstrate licence application requirements listed above (e.g. processing capability and commercial arrangements)?**
- 5. What other evidence can you provide in your licence application to demonstrate any export will not negatively impact human and/or environmental health?**
- 6. Would you be able to comply with these type of licence conditions?**
- 7. If not, why would you not be able to comply with these types of licence conditions?**
- 8. Do you commonly make export declarations within 30 days of the export (i.e. when the ship leaves the port)?**
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Privacy Notice

Personal information means information or opinion about an identified individual, or an individual who is reasonably identifiable.

The Department of Agriculture, Water and the Environment (Department) is bound by the Australian Privacy Principles (APPs) in the *Privacy Act 1988* (Privacy Act). We respect your rights to privacy under the Privacy Act and we will comply with the requirements under the Privacy Act and APPs in respect of the collection, use, disclosure, storage and management of your personal information.

The Department's Privacy Policy contains information about how to access or correct your personal information or make a complaint about a breach of the Australian Privacy Principles. The Policy is available at www.awe.gov.au/about/commitment/privacy. Alternatively, telephone the department on +61 2 6272 3933.

By emailing your feedback on this consultation process, you consent to the collection of all personal information, including sensitive information, contained in your feedback.

Personal information being collected

As part of this consultation process, the Department may collect personal information including your full name, mailing or street address, email address and contact telephone number.

Purposes for which we have collected your personal information

We request that you provide your personal information, so that we can contact you in the event that your feedback is unclear or incomplete. We may also use this personal information to keep you informed about the outcomes of this consultation process, as well as inform you of other relevant consultation processes. If you do not provide your personal information we may be unable to contact you regarding your feedback or other consultations.

Disclosure of your personal information and feedback

We may disclose your feedback and personal information to other Commonwealth agencies for the purposes of implementing and administering the waste export ban and developing response strategies to support the export ban, provided the disclosure is consistent with relevant laws including the Privacy Act. We may also disclose feedback and personal information where the Department is required or authorised to do so under law.

Other person's personal information and their consent

If you are giving feedback which contains the personal information of another person, and you have not obtained the person's consent to their information being included in your feedback, please de-identify or otherwise remove the personal information before providing your feedback to the Department.

Publication of feedback

The Department will not publish your response to this discussion paper or any other information and personal information provided in response to this Discussion Paper unless required or authorised to do so by law.