



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

AUSTRALIA

We do not have a specific case under Australian law and it is enacted by region under very general national guidelines and policies. The provincial law generally follows the English law traditional of due care for handling hazardous instrumentalities. Defenses may include exercise of reasonable care over the third-parties selection and supervision. See [Beatty Legal, “International Comparative Legal Guide: AUSTRALIA, Environmental Law,” 2018.](#)

For example, Victoria Environmental Protection Act as amended 2010, Section 53D(1) Obligation of producers of waste, pp.320-321.

A producer of prescribed industrial waste must take reasonable steps to ensure that prescribed industrial waste that is transported from any premises or place occupied by that producer is consigned to and received by— (a) an occupier of scheduled premises licensed to reprocess, treat, store, contain, dispose of or handle that prescribed industrial waste; or ... (b) an occupier of premises exempted by the Authority from requiring a licence to reprocess, treat, store, contain, dispose of or handle that prescribed industrial waste at the premises. (2) A person who contravenes subsection (1) is guilty of an indictable offence.

On the other hand, New South Wales has a provision in the [Protection of the Environment Operations Act 1997 No 156](#) “conditions imposing responsibility on the holder of the licence for the proper disposal of waste transported from the premises to which the licence applies.” Part 3.5, Sec. 75(5)(b). It is essential to check each province in Australia for the local rules, since they vary.

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