



The Hon. Barnaby Joyce MP

Deputy Prime Minister
Minister for Agriculture and Water Resources
Leader of The Nationals
Federal Member for New England



(VIP-)

Ref: MS17-000396

The Hon. Josh Frydenberg MP
Minister for the Environment and Energy
Parliament House
CANBERRA ACT 2601

16 MAR 2017

Min No: MC
Division: ESD Link:
DLO: MS Date: 17/3
RECEIVED 17 MAR 2017 Environment and Energy Minister

Covering Brief
 Minister Reply
 CoS/Adviser Reply
 Refer to:.....

Departmental Reply
 Appropriate Action
 For Information
 Campaign Advice/Min

Dear Minister

Thank you for your letter of 20 December 2016, seeking feedback on an exposure draft of a Regulatory Impact Statement on ratification of the Minamata Convention on Mercury.

I support ratifying the Convention as it enables Australia to continue our important role in the global effort to reduce human and environmental health risks associated with mercury exposure.

However, I do not support the recommended option of ratifying the Convention in 2017 with an enhanced national phase-down programme, including early phase-out of the mercury-based fungicide Shirtan[®]. I do not believe the evidence presented in the RIS is sufficient to mandate such action against Shirtan[®] relative to other sectors, and there are some significant costs associated with an early phase-out that have not been accounted for in the Cost-Benefit Analysis. Crucially, cancelling Shirtan[®] registration within the proposed timeframe cannot occur under current regulatory arrangements.

My department has identified gaps in the RIS analysis and identified essential information on the limitations of regulatory arrangements and the cost and patent arrangements of alternatives. Unfortunately the advice from your department that they had consulted with the Department of Agriculture and Water Resources during the development of the RIS was incorrect and as a result my department was not able to provide this important information during the RIS drafting.

Shirtan[®] is an important crop protection product for the sugar industry, which is currently experiencing a range of pressures on supply and production. Canegrowers will need reasonable time to transition away from the use of Shirtan[®]. I understand that Convention rules allow a one-off five-year exemption to be sought for certain mercury products or uses, and I request that an exemption is sought for the phase-down of Shirtan[®] to occur no later than 2025 as a condition of ratification.

In light of this exemption being sought, I would support Option 3 presented in the RIS which includes ratification of the Convention with an accompanying national dental amalgam waste program.

On 8 March 2017 my department provided detailed technical feedback on the RIS to your department, which I hope will assist with developing your final recommendations for the ratification process.

Thank you again for your letter, and for the opportunity to provide input on this issue. I look forward to continuing working productively with you on this matter.

Yours sincerely



Barnaby Joyce MP



s22

From: Frydenberg, Josh (MP) <Josh.Frydenberg.MP@aph.gov.au>
Sent: Tuesday, 21 March 2017 5:24 PM
To: MinisterialCorrespondence
Cc: s22
Subject: MC17-009105 Minamata Convention on Mercury
Attachments: 20170309152153081.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: AA

s22 i

Office of the Hon Josh Frydenberg MP
Federal Member for Kooyong | Minister for the Environment and Energy

Electorate Office | 695 Burke Road, Camberwell VIC 3124 | t: s22
Parliament House Office | M1:17, Parliament House, Canberra ACT 2600 | t: 02 6277 7920

e: s22@aph.gov.au | w: www.joshfrydenberg.com.au

From: GENTLEMAN [mailto:GENTLEMAN@act.gov.au]
Sent: Thursday, 9 March 2017 4:25 PM
To: Frydenberg, Josh (MP)
Cc: andrew.mcnee@environment.gov.au
Subject: Correspondence from Minister Mick Gentleman MLA

Dear Minister Frydenberg

Please find the attached correspondence from Minister Mick Gentleman MLA

Kind Regards

s22 r | Office Manager
Office of Mick Gentleman MLA | Member for Brindabella
Minister for Planning and Land Management
Minister for Police and Emergency Services
Minister for the Environment and Heritage
Minister for Urban Renewal
Manager for Government Business
t: s22 | e: s22@act.gov.au

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Mick Gentleman MLA

Member for Brindabella

Manager of Government Business
Minister for Police and Emergency Services
Minister for the Environment and Heritage
Minister for Planning and Land Management
Minister for Urban Renewal

16/24615

Mr Josh Frydenberg MP
Josh.Frydenberg.MP@aph.gov.au
Minister for the Environment and Energy
Parliament House
CANBERRA ACT 2600

Dear Minister Frydenberg 

Thank you for your letter of 20 December 2016 seeking feedback on the Exposure Draft Final Regulation Impact Statement (RIS) and Cost benefit Analysis (CBA) for the Minamata Convention on Mercury.

The ACT supports the ratification of the Convention and the preferred option identified in the CBA to reduce the risks of mercury exposure to human health and the environment.

The ACT is well placed to support implementation of the convention with a number of programs and regulatory practices in place to ensure mercury emissions are minimised. I am pleased to provide the following in response to the questions raised in the RIS.

Point source emissions for hazardous substances such as mercury are primarily regulated in the ACT under the *Environment Protection Act 1997* (the Act) and associated regulations by the Environment Protection Authority (EPA). The Act's provisions include a load based licensing fee for hazardous substance emissions including mercury with emissions limits included in facility license conditions. Facilities regulated by the EPA are required to report their emissions annually. These mechanisms provide both financial and regulatory compliance incentives to encourage industry to reduce its emissions.

The license emissions limits to air are based on NSW EPA industrial emissions standards and water quality criteria in the Environment Protection Regulations 2005 (the Regulations) for receiving waters. The criteria in the Regulations are based on the national ANZECC water quality guidelines. While general emissions limits are based on these criteria, all licenses are assessed individually and specific conditions may be imposed for various activities based on their environmental risk profile.

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601, Australia
Phone +61 2 6205 0218

GPO Box 1020, Canberra ACT 2601, Australia
Email gentleman@act.gov.au



Due to the lack of extractive and major industry in the ACT point source emissions relate mainly to combustion of fossil fuels, emissions from landfills and emissions from sewerage waste treatment. To put mercury emissions in perspective for the ACT the majority of reporting facilities are below the National Pollutant Inventory Category 1b (mercury and compounds) reporting threshold of 5kg per annum or more. The main reason the 12 facilities report mercury is due to their exceedances of category 2a or 2b thresholds (based on fuel and/or waste combusted).

The only facility that occasionally triggers the category 1b mercury threshold is the Lower Molonglo Wastewater Treatment Plant (mercury emissions ranging from 3kg to 8kg per year) due to its incinerators operation. The operators of the facility are in the process of upgrading the incinerator which will reduce emissions.

The other aggregate source of emissions of concern in the ACT, as detailed in the RIS, is mercury amalgam waste from dental practices, domestic compact fluorescent lighting, commercial florescent lighting and street lighting.

Dental Practices

To reduce these impacts and end of pipe emissions from waste treatment the utility operator requires all dental practice, under their trade waste agreement, to install amalgam traps and separators. This mandatory requirement adopted in the ACT may be worth considering if the voluntary national scheme detailed in the preferred option for dental practices does not achieve the desired outcome.

Domestic and Commercial lighting

The ACT Energy Efficiency Improvement Scheme (EEIS) is helping to reduce mercury emissions in the ACT by replacing domestic fluorescent lighting and commercial building/warehouse mercury vapour lamps with LEDS.

The EEIS is also pro-actively managing mercury waste management issues by requiring energy retailers and their contractors to implement appropriate decommissioning and waste disposal practices.

Specifically the EEIS code of practice states:

- Lamp waste from the scheme must not be aggregated or mixed with other lamp waste
- Where fluorescent lamps containing mercury are broken during installation or fail under warranty, the lamps must be tracked and discarded in accordance with legal EPA requirements as “trackable” waste under the Movement of Controlled Waste NEPM.
- Fluorescent lamps must be recycled.
- Lamp waste must be weighed and have “Destruction Certification” or “Recycling Certification” issued for disposal.

The EEIS also conducts audits and requires proof of correct recycling and disposal to check that all lighting containing mercury has been appropriately decommissioned and recycled.

This scheme, however, has limited application to the disposal and recycling of compact fluorescent lighting from domestic premises by residences. The ACT Government would support, as detailed in

the RIS, an industry product stewardship scheme to address more broadly the disposal and recycling of mercury containing lighting products, particularly from the residential premises.

Street lighting

The ACT Government ceased the use of mercury vapour lamps in the ACT street lighting network in October 2007. While Mercury vapour lamps still exist in the network an extensive capital upgrade program has been undertaken to remove mercury from the streetlight network. Since 2007 the ACT Government has removed 16,093 Mercury Vapour light fittings.

There are currently 77,526 street lights in the network with approximately 10 % still containing mercury vapour. While a program for bulk replacement of mercury vapour light fittings is not in place, as each fitting fails they are changed to a highly efficient LED lights.

The ACT Government currently has an Energy Performance Contract out to tender and it is envisaged that the entire network will be upgraded to LED's within 7 years. ActewAGL, as the current street light maintenance contractor in the ACT use Toxfree for globe recycling to ensure appropriate disposal.

The ACT Government is strongly committed to improving the quality of our environment and reducing adverse impacts from hazardous substances and welcomes the opportunity to contribute to any national program to minimise mercury emissions to the environment.

Thank you for providing the opportunity to comment on the Regulation Impact Statement for the Minamata Convention on Mercury. I trust the ACT's response is of assistance and I welcome the opportunity to continue working collaboratively with you and your department on this important initiative.

Yours sincerely



Mick Gentleman MLA
Minister for the Environment and Heritage

9/3/17

s22

s22

From: McNee, Andrew
Sent: Thursday, 23 March 2017 2:18 PM
To: s11C(1)(a)
Cc: Cahill, Matt ; s22
Subject: RE: Minamata - Can we please discuss [SEC=UNCLASSIFIED]

Hi Mark

Suggested addition:

The process for ratification of any new treaty requires government and Parliamentary consideration of a Regulatory Impact Statement and a National Interest Analysis. Time frames, particularly for Parliamentary scrutiny by the Joint Standing Committee on Treaties will mean ratification of the Minamata Treaty is not feasible by June 2017.

Thanks, Andrew

From: s11C(1)(a)
Sent: Thursday, 23 March 2017 1:22 PM
To: McNee, Andrew <Andrew.McNee@environment.gov.au>
Cc: Cahill, Matt <Matt.Cahill@environment.gov.au>; Knudson, Dean <Dean.Knudson@environment.gov.au>; de Brouwer, Gordon <Gordon.deBrouwer@environment.gov.au>; s22 @environment.gov.au; s22 , s22 @environment.gov.au; s22 @environment.gov.au
Subject: RE: Minamata - Can we please discuss [SEC=UNCLASSIFIED]

Hi Andrew

I think we also need some statement around future timing, including that ratification by June 2017 is not feasible because ...

Thanks

From: McNee, Andrew
Sent: Thursday, 23 March 2017 1:06 PM
To: s11C(1)(a)
Cc: Cahill, Matt <Matt.Cahill@environment.gov.au>; Knudson, Dean <Dean.Knudson@environment.gov.au>; de Brouwer, Gordon <Gordon.deBrouwer@environment.gov.au>; s22 @environment.gov.au; s22 , s22 @environment.gov.au; s22 @environment.gov.au
Subject: RE: Minamata - Can we please discuss [SEC=UNCLASSIFIED]

Hi s11C(

See below points addressing the Minamata Convention ratification and phasing out dental amalgam. Give me a call if you want to discuss.

Thanks, Andrew

- The process of considering whether or not to ratify a treaty is a significant activity with a number of well-established steps.
- As a part of this process the Department of the Environment and Energy released an Exposure Regulatory Impact Statement in late 2016 and has been undertaking formal consultation with industry and the community in the first quarter of 2017.
- The comments and submissions received are now being analysed and will form part of a Final Regulatory Impact Statement which along with a National Interest Analysis will form the basis of Government's consideration of ratification of the Convention.
- In relation to dental amalgam the Minamata Convention on Mercury requires phasing down (rather than phasing out) the use of dental amalgam.
- Dental amalgam usage is declining in Australia, and alternatives are being used more frequently.
- In seeking to phase down amalgam use the Convention requires at least two of the following measures each Party shall take into account:
 - national objectives to promote good dental health (and preventing caries)
 - national objectives aiming at minimising use of dental amalgam
 - promote the use of mercury-free alternatives
 - promote research and development of mercury free materials for dental restoration
 - encourage professional organisations and dental schools to train on use of mercury free dental restoration and promoting best management practices
 - discourage insurance policies and programmes that favour use of dental amalgam over other use of mercury free dental restoration
 - encourage insurance policies and programmes that favour the use of quality alternatives to dental amalgam for dental restoration
 - restricting use dental amalgam to its encapsulated form, and
 - promoting the use of best environmental practices to reduce releases of mercury to water and land.
- Governments in Australia are already taking a number of these measures to manage Mercury – future action, taken under the Convention, on dental amalgam will be considered as a part of the implementation of the Convention.

From: s11C(1)(a)

Sent: Wednesday, 8 March 2017 2:58 PM

To: McNee, Andrew <Andrew.McNee@environment.gov.au>

Subject: Minamata - Can we please discuss [SEC=UNCLASSIFIED]

“That this State Council supports the Commonwealth of Australia ratifying the Minamata Convention on Mercury before 25 June 2017; implementing measures to phase out the use of mercury dental amalgam fillings by 2020 and ensuring that any recycled mercury is directed to long term storage or other safe uses, instead of re-use.”

Mercury is toxic. Australia's mercury pollution is double the global average. Mercury is released into the environment from products and industrial processes and bioaccumulates in the aquatic food chain. Mercury threatens food security and Australia's fifth most valuable industry: commercial fishing. Even low levels of mercury exposure damage foetal neurological development and is linked to fertility, brain, kidney, heart, nerve diseases and lowered IQ. 'Silver fillings' contain 50% mercury. Dental amalgam fillings are the largest, most direct source of intentional mercury exposure to the population. Cost-effective, durable alternatives are available for more than 50 years. Dentistry must become mercury free.

Federal Minister responsible, if motion is carried: Minister for Environment and Energy, the Hon Josh Frydenberg MP and Minister for Health, the Hon Greg Hunt MP

s11C(1)(a)

Office of the Hon Josh Frydenberg MP

Minister for the Environment and Energy | Federal Member for Kooyong

4 Treasury Place, East Melbourne VIC 3002 | s11C(1)(a)

Parliament House, Canberra ACT 2600 | s11C(1)(a)

e: s11C(1)(a) | w: www.joshfrydenberg.com.au



**Senator the Hon Marise Payne
Minister for Defence**

Parliament House
CANBERRA ACT 2600

Telephone: 02 6277 7800

MC16-003828

The Hon Josh Frydenberg MP
Minister for the Environment and Energy
Parliament House
CANBERRA ACT 2600

(VIP-)

Min No: MC	Link:
Division: <i>ESD</i>	Date: <i>24/3</i>
DLO: <i>MS</i>	Environment and Energy Minister
RECEIVED 24 MAR 2017	
<input type="checkbox"/> Covering Brief	<input type="checkbox"/> Departmental Reply
<input type="checkbox"/> Minister Reply	<input checked="" type="checkbox"/> Appropriate Action
<input type="checkbox"/> CoS/Adviser Reply	<input type="checkbox"/> For Information
<input type="checkbox"/> Refer to:.....	<input type="checkbox"/> Campaign <input type="checkbox"/> Advice/Min

Dear Minister *Josh*

Thank you for your letter of 20 December 2016 about the Exposure Draft Final Regulation Impact Statement for the Minamata Convention on Mercury and a request for my feedback on the options available to government. I apologise for the delay in responding.

The Department of Defence acknowledges the serious risk that mercury poses to human health and the environment in Australia. Defence continues to work within government, industry and the community to reduce anthropogenic emissions and releases of mercury.

I note that the Exposure Draft Final Regulation Impact Statement has proposed four options to achieve the aims of the Minamata Convention in Australia, including:

1. No Ratification of the Convention;
2. Ratification of Convention only;
3. Ratification with Dental Amalgam Waste Program;
4. Ratification with Enhanced National Phase Down.

Defence has assessed that Option 4 is the preferred option.

Given that mercury-added products essential for civil protection and military use remain exempted from the Minamata Convention, that Defence has already implemented an amalgam waste program and that it continues to be consulted on the implementation process, Defence supports the choice of Option 4 of the Exposure Draft Final Regulation Impact Statement for the Minamata Convention on Mercury.

Yours sincerely

Marise Payne (1)

MARISE PAYNE
20 MAR 2017



The Hon Lily D'Ambrosio MP
Minister for Energy, Environment and Climate Change
Minister for Suburban Development

8 Nicholson Street
East Melbourne, Victoria 3002
Telephone: 03 9637 9504
DX210098

The Hon Josh Frydenberg MP
Minister for the Environment and Energy
Parliament House
CANBERRA ACT 2600

Ref: MIN024945



Dear Minister

EXPOSURE DRAFT - FINAL REGULATION IMPACT STATEMENT FOR THE MINAMATA CONVENTION ON MERCURY

Thank you for your letter of 20 December 2016, providing me with the Exposure Draft of the Regulation Impact Statement (RIS) for the Minamata Convention on Mercury for my comment.

The RIS concludes that there will be no additional implementation costs for state and territory governments from ratifying the Minamata Convention and implementing a national phase down initiative. The Andrews Labor Government accepts the RIS assessment that the preferred option will not increase costs.

Victoria's existing statutory requirements to reduce impacts of mercury on human health and the environment are consistent with relevant provisions of the Minamata Convention.

I have requested my department notify relevant Victorian Government portfolios of the exposure draft and its preferred option.

Please keep me informed of the outcomes of your consultation with other governments, industry and the community in producing a final RIS, including further identification and assessment of costs and benefits, prior to it being presented to the Australian Government for final decision.

Should your department require further information on this matter, please contact Sarah Stephen, Director Environment Protection in the Victorian Department of Environment, Land, Water and Planning, on (03) 9637 8591 or via sarah.stephen@delwp.vic.gov.au.

Yours sincerely

Hon Lily D'Ambrosio MP
Minister for Energy, Environment and Climate Change
Minister for Suburban Development

2013117

VIP

Min No: MC	Link:
Division: ESD	Date: 27/3
DLO: <i>MS</i>	Environment and Energy Minister
RECEIVED 27 MAR 2017	
<input type="checkbox"/> Covering Brief	<input type="checkbox"/> Departmental Reply
<input type="checkbox"/> Minister Reply	<input checked="" type="checkbox"/> Appropriate Action
<input type="checkbox"/> CoS/Adviser Reply	<input type="checkbox"/> For Information
<input type="checkbox"/> Refer to:.....	<input type="checkbox"/> Campaign <input type="checkbox"/> Advice/Min



MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

Parliament House
State Square
Darwin NT 0800
minister.moss@nt.gov.au

GPO Box 3146
Darwin NT 0801
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The Hon Josh Frydenberg MP
Minister for the Environment and Energy
Parliament House
CANBERRA ACT 2600

Min No: MC	Division: <i>ESD</i>	Link:
DLO: <i>MS</i>	Date: <i>12/4</i>	
RECEIVED 12 APR 2017		Environment and Energy Minister
<input type="checkbox"/> Covering Brief	<input checked="" type="checkbox"/> Departmental Reply	
<input type="checkbox"/> Minister Reply	<input checked="" type="checkbox"/> Appropriate Action	
<input type="checkbox"/> CoS/Adviser Reply	<input type="checkbox"/> For Information	
<input type="checkbox"/> Refer to	<input type="checkbox"/> Campaign <input type="checkbox"/> Advice/Min	

Dear Minister *Josh*

Thank you for your letter dated 20 December 2016 in which you provide me opportunity to comment on the Exposure Draft Final Regulations Impact Statement (RIS) for the Minamata Convention on Mercury to assess measures Australia may undertake to protect human health and the environment from anthropogenic emissions and releases of mercury.

The Northern Territory is supportive of the approach taken by the Commonwealth to ensure best practice management of mercury and understands the implications of each option presented in the RIS should the proposed ratification of the Minamata Convention commence.

The Northern Territory is committed to a program of environmental regulatory reform that will encompass consideration of waste management including that of mercury-containing wastes. I would be interested to hear how other jurisdictions are managing mercury-containing products in their waste streams and what they would be willing to do to satisfy the requirements of the Minamata Convention.

I am satisfied that the draft document is representative of the issues faced in the Territory.

Yours sincerely

Lauren Moss
LAUREN MOSS
6.4.17





MC17-011959



Russell Broadbent

Federal Member for McMillan

46c Albert Street, Warragul, Vic. 3820 - Local Call - 1300 132 581 Fax 03 5623 2509

Thursday, 27 April 2017

The Hon Josh Frydenberg
Minister for the Environment and Energy
M1 17
Parliament House
CANBERRA ACT 2600

VIP

Min No: MC	Link:
Division: <i>ESD</i>	Date: <i>1/5</i>
DLO: <i>MS</i>	
RECEIVED 01 MAY 2017 Environment and Energy Minister	
<input checked="" type="checkbox"/> Covering Brief	<input type="checkbox"/> Departmental Reply
<input checked="" type="checkbox"/> Minister Reply	<input type="checkbox"/> Appropriate Action
<input type="checkbox"/> CoS/Adviser Reply	<input type="checkbox"/> For Information
<input type="checkbox"/> Refer to:	<input type="checkbox"/> Campaign <input type="checkbox"/> Advice/Info

Dear Minister,

I have been contacted by **s47F** a constituent of **s47F** WARRAGUL Vic 3820, concerning the ratification of the Minamata convention on mercury.)

I enclose a copy of **s47F** e-mail dated 26 April 2017 for your information, and would appreciate any advice you may be able to provide on the matters raised.

I look forward to your response in due course.

Yours sincerely,

①

RUSSELL BROADBENT

Broadbent, Russell (MP)

From: s47F @bigpond.com>
Sent: Wednesday, 26 April 2017 8:22 AM
To: Broadbent, Russell (MP)
Subject: Minamata Convention on Mercury

Russell,

Thank you for your time and your wise advice on Monday.

I have grave concerns that the ratification of the Minamata convention on mercury will not be carried out prior to the next meeting (COP) of the UNEP.

s47F

You were present in 2012 at the luncheon in Warragul where the current Prime Minister made the Statement that "any government that I lead will immediately ratify the Minamata Convention"

Could you please talk to your Colleague Josh Frydenberg the Environment Minister and ask the minister to lay out a time table for ratification in co-operation with the Prime Minister.

As you are aware, the precedent in this matter is the ratification of the Kyoto Protocol by Prime Minister Rudd upon taking office.

The impacts of mercury pollution continue unabated and unacknowledged in Australia due to the fact that Minamata has not been ratified.

Remediation of historical gold mines to remove mercury will create thousands of jobs mainly in rural Australia and there are many global investment companies prepared to support this work once the government ratifies the convention.

s47F the UNEP the handbook for remediation of ChlorAlkali plants and VCM plants across the globe.

This work is being partially funded by the Chinese Government as they have about 82 ChlorAlkali plants sites requiring remediation at an average cost of \$US eq 250 million each.

Australia cannot do this work if it is not a ratified party to the Minamata convention.

I look forward to your response.

Kindest regards

s47F

Hg Recoveries Pty Ltd ACN 144 752 885
Level 13, 350 Collins Street Melbourne Victoria 3000 Australia
Mobile s47F

s47F

HG Recoveries P/L is the holder of Australian Federal Government EPBC Permit 2010/5477
HG Recoveries holds an Australian Government approved Operations Manual for heavy metal testing and recovery.

s22

From: s22
Sent: Wednesday, 12 December 2018 12:24 PM
To: s22
Subject: FW: Meeting brief - BMT Mercury Technology [SEC=UNCLASSIFIED]
Attachments: MB17-000255.docx

From: McNee, Andrew
Sent: Monday, 15 May 2017 4:34 PM
To: s22
Cc: de Brouwer, Gordon ; Dean Knudson ; Matt Cahill ; s22 ; s11C(1)(a) ; s22
Subject: Meeting brief - BMT Mercury Technology [SEC=UNCLASSIFIED]

Hi s22

Please find attached the brief for the Minister's meeting with BMT Mercury Technology tomorrow as requested.

Thanks, Andrew

Copy to

To: Minister for the Environment and Energy (for information)

Secretary
Mr Knudson
Mr Cahill

MEETING WITH s47F AND s47F OF BMT MERCURY TECHNOLOGY

s11C(1)
(a)

Timing: For meeting on 16 May 2017, 11.30 am-12.00 pm

Recommendation:

1. That you note the contents in preparation for your meeting.

Noted / Please discuss

Minister:

Date:

Clearing Officer: Sent: 15/05/17	Andrew McNee	Assistant Secretary Chemicals and Waste Branch	Ph: s11C(1)(a) Mob: s22
Contact Officer:	s22	Director Chemicals Management and Standards Section	Ph: s22 Mob: s22

Meeting with: s47F, BMT Mercury Technology

s47F, BMT Mercury Technology

Prior meetings: Ms s47F met with s11C(1)(a) on 23 March 2017.

Proposed note taker: Nil

What we want: None – meeting was requested by BMT Mercury Technology.

What they want: BMT Mercury Technology would welcome the opportunity to engage in proposed overarching national legislation for processing, purifying, recycling and disposal of mercury (which would be required should Australia ratify the Minamata Convention on Mercury).

It is concerned that some states restrict interstate movement of waste, including from the source of waste to a treatment facility, and would like to see consistent legislation on disposal of stabilised waste. It would also like to discuss how the Minamata and Basel Conventions will separately and jointly function on import and export of waste contaminated with mercury.

Issues and Sensitivities:

1. s42

Consultation: YES: The Hazardous Waste Section have advised that they have provided BMT Mercury Technology with general information about the requirements for export permits for mercury waste and referred them to the states in relation to disposing of mercury within

Australia. The Environment Health – Strategic Policy section has advised on the potential for future legislation.

Attachments

- A:** Talking points
- B:** Information on BMT Mercury Technology

Talking Points

- The Australian Government is considering ratifying the Minamata Convention on Mercury. The process is being managed by the Department of Environment and Energy.
- The Department recently completed a consultation process with state and territory governments, industry and the community about the options for ratifying the Convention.
- The Department is currently considering public responses, and will provide a refined Regulation Impact Statement and National Interest Analysis for my consideration later this year. Should I deem it appropriate, I will then table these documents with the Parliament for Australian Government consideration on ratifying the Minamata Convention on Mercury.
- Due to the nature of the obligations of the Minamata Convention, the Exposure Draft Final RIS identified that legislation may be required to implement the Convention. The Government will consider this as a part of the broader ratification process. Should legislation be required there will be extensive consultation with all stakeholders.
- Some of the measures such as recycling and disposal of mercury are the responsibility of states and territories.

Information on BMT Mercury Technology

BMT Mercury Technology is a global waste treatment company that purifies, treats and recycles mercury contaminated waste substances, which are hazardous by-products of the oil and gas industry. The company commenced operating in the Netherlands in 1991, where it developed a method for removing mercury from sand. The company patented the method for purifying specific waste contaminated with mercury.

It has global operations in the Netherlands and Thailand, where it services clients from Europe, the Middle East and Asia Pacific treating drilling sludge, catalysts, filters and other waste.

BMT Mercury Technology will open a mercury treatment plant in Kwinana, Western Australia, after encouragement by the oil and gas industry to establish a facility in Australia. The plant is expected to open by early 2018 and would process about 1000 tonnes of mercury-contaminated waste from oil and gas production (mostly legacy waste from north-west LNG projects, but may also service east coast clients).

Establishing a plant in Western Australia would support Australia's international regulatory obligations, with regard to ceasing transportation and disposal of mercury to overseas licensed waste disposal facilities.



**Minister for Environment; Disability Services
Deputy Leader of the Legislative Council**

Our Ref: 62-00389

Hon Josh Frydenberg MP
Minister for the Environment and Energy
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

(VIP-)

Office of the Hon Stephen Dawson MLC

Ref: _____ Due Date: _____

RECEIVED
28 JUN 2017

<input type="checkbox"/> DPW	<input type="checkbox"/> Draft
<input type="checkbox"/> DER	<input type="checkbox"/> Adv
<input type="checkbox"/> DSC	<input type="checkbox"/> Act
<input type="checkbox"/> Minister	<input type="checkbox"/> Advice
<input type="checkbox"/> COS	<input type="checkbox"/> Info
<input type="checkbox"/> Acpt	<input type="checkbox"/> Direct
<input type="checkbox"/> Exec Off	<input type="checkbox"/> Corrections
<input type="checkbox"/> Pol Off	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Dear Minister *Josh*

I have been advised by the Department of Environment Regulation that you wrote to the former Minister for Environment, Hon Albert Jacob MLA, on 20 December 2016 inviting comment on the (*Exposure Draft - Final Regulation Impact Statement* for the ratification of the Minamata Convention on Mercury.) A Western Australian Government consolidated government response is now attached.

Western Australia prefers Option 4 for the ratification of the Minamata Convention, as this is expected to have the greatest national benefit to human health and the environment.

If ratified, implementation of the Minamata Convention through existing legislative and policy frameworks would minimise regulatory duplication and cost impacts to the Western Australian Government.

I note that the potential for additional cost impacts to Western Australia depends on the final mechanism for implementation. I would support further Commonwealth and States and Territories collaboration in this regard.

Yours sincerely

(1)

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

Att.
16 JUN 2017

Min No: MC
Division: *EESD* Link: _____
DLO: *MS* Date: *28/6*

RECEIVED 28 JUN 2017 Environment and Energy Minister

<input type="checkbox"/> Covering Brief	<input checked="" type="checkbox"/> Departmental Reply
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**Hon Stephen Dawson MLC
Minister for Environment; Disability Services
Deputy Leader of the Legislative Council**

Dear Minister,

Please note the enclosed letter was sent and returned to Minister Dawson's office in error. It was then stamped as "received" in error.

Kind regards,

s22

A/Executive officer

With Compliments

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WESTERN AUSTRALIAN GOVERNMENT SUBMISSION

EXPOSURE DRAFT - FINAL REGULATION IMPACT STATEMENT FOR THE MINAMATA CONVENTION ON MERCURY

The Federal Minister for the Environment and Energy has requested feedback from State and Territory governments on the Exposure Draft - Final Regulation Impact Statement (ED RIS). State and Territory governments were invited to respond specifically to the questions in the ED RIS, where applicable.

Western Australia's consolidated response is summarised below.

Response to State and Territory Government Questions

Gold Roasting (Page 28)

Question: Given that mercury emissions have been removed from the licence condition for this facility, what measures do you employ to ensure mercury no longer being emitted or released to the environment?

Emissions of mercury from the Gidji Roaster were significantly reduced following the replacement of the roasters in 2015 with new technology, including an ultra-fine grinding (UFG) mill and a carbon regeneration kiln.

Licence L5946/1988/13 for the Gidji Roaster was amended in April 2016 to remove metal smelting or refining from the licensed activities, and no longer authorises discharge of air emissions through the roaster stack (or any other location).

The KCGM Air Quality Management Plan (AQMP) published in December 2015 indicates that average mercury concentrations in ambient air were less than $0.08 \mu\text{g}/\text{m}^3$, which complies with the World Health Organization's annual ambient air quality criterion of $0.2 \mu\text{g}/\text{m}^3$.

The ED RIS refers to 2014-15 National Pollutant Inventory (NPI) data. It is recommended that 2015-16 NPI data are referenced in the final RIS, noting that one of the roasters was in operation for approximately four months of the 2015-16 data period. The full impact of reduced mercury emissions from the Gidji Roaster will not be evident in NPI reporting until the 2016-17 emissions data are published in 2018.

Industrial Processes (Page 30 and 31)

Do you apply emission limits as part of licence approvals?

Emission limits are one of a range of regulatory controls that may be applied to licensed premises under Part V Division 3 of the *Environmental Protection Act 1986* (EP Act).

Are emission limits standard across facilities, or do they vary based on the nature and operation of the individual facility?

Western Australia determines regulatory controls for licensed premises under Part V Division 3 of the EP Act in accordance with the Department of Environment Regulation's Regulatory Framework.

Where emission limits are an appropriate regulatory control, the limits are set on the basis of risk, considering the site specific setting of the emission and having regard for the source-pathway-receptor model of environmental impact. Standard emission limits are not used unless there is an approved policy in place under Part III of the EP Act.

How often are the emission limits reviewed?

The frequency with which emission limits are reviewed is dependent on the risk profile of the emission and the premises. Emission limits are also reviewed when an occupier proposes changes to the operation of the premises.

What is your view of the other measures to reduce mercury emissions from existing sources?

Measure (a) – A quantified goal for controlling and, where feasible, reducing emissions from relevant sources:

If introduced, the reduction in mercury emissions for example, from the Gidji Roaster should be considered in determining whether this goal has been achieved. The basis for the quantified goal should be clearly stated and include criteria for determining feasibility.

Measure (b) – Emission limit values for controlling and, where feasible, reducing emissions from relevant sources:

Emission limit values represent a simple means of achieving measurable reduction in emissions.

In Western Australia, where limit values are determined to be an appropriate regulatory control, limits are set on the basis of risk, considering the site setting of the emission, and having regard for the source-pathway-receptor model of environmental impact.

Measure (c) - The use of best available techniques and best environmental practices to control emissions from relevant sources:

Clearly stated criteria should be established to avoid undesirable outcomes such as competitive distortion.

Measure (d) – A multi-pollutant control strategy that would deliver co-benefits for control of mercury emissions:

A multi-pollutant control strategy could be useful to address other global pollutants that are the subject of international treaties such as persistent organic pollutants (POPs) and ozone depleting substances.

What is your preferred method to reduce mercury emissions from existing sources?

The preferred method is measure (b) - emission limit values for controlling and, where feasible, reducing emissions from relevant sources. This method should be supported by published national emission limits.

How do you measure and control waste?

Waste is primarily regulated in Western Australia through the EP Act, the *Waste Avoidance and Resource Recovery Act 2007* and the *Waste Avoidance and Resource Recovery Levy Act 2007 (WARR Levy Act)*.

Western Australia regulates premises that store, treat, re-use, process or dispose of waste (e.g. landfills) through licences and works approvals under Part V Division 3 of the EP Act. Licence and approval conditions are imposed on the basis of an assessment of risk.

Economic instruments are used to reduce waste disposal to landfill and promote waste recycling through a levy under the WARR Levy Act.

The EP Act and its regulations¹ prohibit the discharge of wastes (including mercury waste) into the environment which will cause pollution or environmental harm. Western Australia also regulates the transport of controlled waste (including mercury and mercury compounds)².

The *Western Australian Waste Strategy: Creating the Right Environment* contains strategies and targets to reduce the amount of waste generated and waste disposed of to landfill. Western Australia also implements programs funded through the levy to divert waste from landfill (e.g. Household Hazardous Waste program) and participates in the delivery of national waste policy initiatives.

Western Australia collects annual waste and recycling data from local governments and the waste industry in Western Australia. These data are collected through the annual Local Government Waste and Recycling Census and the Recycling Activity Review for the waste industry. Western Australia provides data for the National Waste Reports³ which are published periodically.

Mercury-Containing Products (Page 31)

What measures would you be willing to take to ensure products containing mercury are recycled?

The Western Australian Local Government Association administers the Household Hazardous Waste program which provides local governments with funding to assist with the collection, storage and disposal of hazardous waste generated by households.

¹ *Environmental Protection (Unauthorised Discharges) Regulations 2004*

² *Environmental Protection (Controlled Waste) Regulations 2004*

³ <http://www.environment.gov.au/topics/environment-protection/nwp/reporting>

The program accepts materials that may contain mercury including:

- Group A: garden chemicals, pesticides and poisons;
- Group D: Dangerous goods and sanitisers;
- Group E: Miscellaneous (e.g. floor and carpet cleaners, cement additives, silver cleaner, smoke alarms, fluorescent tubes, gas bottles, dry cell batteries); and
- Group F: Unknowns, unlabelled material

The Household Hazardous Waste program also accepts mercury containing thermometers and some other household wastes that contain elemental mercury, fluorescent lights and some mercury compounds.

The Department of Environment Regulation (on behalf of the State Government) is a Facilitator Signatory to the FluoroCycle voluntary product stewardship scheme.

What measures would you be willing to take to prevent mercury waste not be allowed to leach in landfill?

Western Australia regulates landfill premises which accept wastes for burial (including mercury containing waste) under Part V Division 3 of the EP Act. Licences and works approval decisions, including any conditions imposed on the instrument (e.g. types of waste that can be accepted), are proportionate to the level of risk (likelihood and consequence) that the activity poses to public health and the environment.

Western Australia also encourages source separation through its policies and programs, with separation of wastes containing mercury principally achieved through the Household Hazardous Waste program. This has contributed to mercury being collected and diverted from landfill.

Lighting (Page 34)

What measures would you be willing to take to ensure domestic lighting containing mercury is recycled, and not sent to landfill?

The Household Hazardous Waste program administered by the Western Australian Local Government Association includes the recycling of mercury containing globes.

A best practice approach, ideally led by the Commonwealth under the *Product Stewardship Act 2011* would shift the financial burden to those who benefit from the production and use of products.

Assessment of options and recommendations (page 78)

Noting the impact analysis, what is your view of each of these options and what is your preferred option?

Option 4 is preferred as it will protect the health of the community and environment by minimising, to the greatest extent, exposure to mercury.

Cost benefit analysis and implementation

The cost-benefit analysis underpinning the ED RIS provides that “beyond the potential impact on state utilities..., no costs impacts on State or Territory governments were identified”.⁴

It is acknowledged that, if ratified, implementation of the Minamata Convention using existing legislative and policy frameworks in Australia to regulate the use and disposal of mercury would minimise regulatory duplication and cost impacts to State or Territory governments.

The potential for additional cost impacts to State and Territory governments will depend on the final implementation mechanism. In this regard, Western Australia would support further collaboration between the Commonwealth and States and Territories on an implementation framework. This could also include consideration of national level guidance materials on limits, monitoring and compliance requirements, and clarification of the role of existing standards such as those for the use of fertiliser on farms.

⁴ *Costs and benefits of Australia phasing-down mercury – Final Report – Report prepared for Department of the Environment* (May 2015) – page 20



THE HON JOSH FRYDENBERG MP
MINISTER FOR THE ENVIRONMENT AND ENERGY

MC17-011959

Mr Russell Broadbent MP
Member for McMillan
4c Albert Street
WARRAGUL VIC 3820

06 JUL 2017

Dear Mr *Russell* Broadbent

I refer to your representation on behalf of your constituent s47F of Warragul, concerning ratification of the Minamata Convention on Mercury.

The objective of the Convention is to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds. One of the first actions of the Abbott Government was to authorise Australia signing the Convention in Japan on 10 October 2013. Signature of the Convention does not commit Australia to ratify the Convention. It indicates that the Australian Government agrees in principle to the stated objective of the Convention and will not take action which would defeat the Convention's object and purpose. The Convention will come into force on 16 August 2017 as it has now been ratified by more than the 50 countries required to bring it into force.

Australia takes its international obligations very seriously. The process for domestic ratification of treaties requires consideration of a Regulation Impact Statement and a National Interest Analysis. The Department of Environment and Energy recently consulted on a Regulation Impact Statement. The Department is now finalising the Regulation Impact Statement taking into account the public consultation and additional cost-benefit analysis. s47F has been engaged throughout this process. Government and Parliamentary consideration of the Regulation Impact Statement and National Interest Analysis is expected to be completed late this year or early 2018.

The First Conference of the Parties on the Minamata Convention on Mercury will be held in Geneva, Switzerland on 24-29 September 2017. For Australia to be a Party to the Convention before this meeting, it would have needed to have ratified the Convention before 24 June 2017.

Thank you for bringing s47F concerns to my attention.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J Frydenberg'.

JOSH FRYDENBERG

s22

From: McNee, Andrew
Sent: Thursday, 1 March 2018 9:24 AM
To: s11C(1)(a)
Cc: s22
Subject: RE: Ratification Minamata Convention on Mercury - Say No to Mercury - s47F
s47F [SEC=UNCLASSIFIED]

Hi s11C

Yes – on to it.

Thanks, Andrew

From: s11C(1)(a)
Sent: Thursday, 1 March 2018 7:51 AM
To: McNee, Andrew
Cc: s22
Subject: FW: Ratification Minamata Convention on Mercury - Say No to Mercury - s47F
[SEC=UNCLASSIFIED]

Andrew

Could we please prioritise a min reply to this please.

s11C(1)(a)

From: s47F @saynotomercury.com]
Sent: Thursday, 1 March 2018 7:02 AM
To: josh.frydenberg.mp@aph.gov.au; s11C(1)(a); s22
s22 @environment.gov.au>
Subject: Ratification Minamata Convention on Mercury - Say No to Mercury - s47F

Dear Minister Frydenberg,

I am seeking your attention and due consideration to this important matter during this pre-Budget phase.

Prioritizing and implementing the Minamata Convention on Mercury will benefit all Australians - a Ministerial action that you can be proud of.

As always, I am willing to discuss this in more detail at a meeting to be convened at our mutual convenience.

Yours faithfully,

s47F

Say No To Mercury

131 Commercial Road

South Yarra, Victoria

Australia 3141

Contact@saynotomercury.com.au

saynotomercury.com



s22

From: s47F [redacted]@mercuryfreedentistry.com.au>
Sent: Thursday, 1 March 2018 8:06 AM
To: McNee, Andrew; s22 [redacted]
Subject: Fwd: Ratification Minamata Convention on Mercury - Say No to Mercury - s47F [redacted]
s47F [redacted]
Attachments: Ratification Minamata Convention on Mercury - Say No to Mercury - s47F [redacted]
s47F [redacted].pdf

Dear Andrew and s47F [redacted],

Please see emails sent and attachment.

Keeping you informed re Ministerial correspondence sent this morning.

Happy to discuss further when convenient

Kind Regards

s47F [redacted]

----- Forwarded message -----

From: s47F [redacted]@saynotomercury.com>

Date: 1 March 2018 at 07:25

Subject: Fwd: Ratification Minamata Convention on Mercury - Say No to Mercury - s47F [redacted]

To: s47F [redacted]@mercuryfreedentistry.com.au

----- Forwarded message -----

From: s47F [redacted]@saynotomercury.com>

Date: Thu, Mar 1, 2018 at 7:08 AM

Subject: Fwd: Ratification Minamata Convention on Mercury - Say No to Mercury - s47F [redacted]

To: greg.hunt.mp@aph.gov.au, alex.caroly@health.gov.au

Dear Greg,

Thank you for your continued involvement in the matter. It is always refreshing and inspiring to realize you share my commitment to protecting the health of all Australians and our environment - both now and for generations in time.

Please find attached the correspondence that I emailed to your colleague, Josh Frydenberg this morning.

I look forward to hearing from you and working with you on this endeavour.

Yours faithfully,

s47F [redacted]

----- Forwarded message -----

From: s47F [redacted]@saynotomercury.com>

Date: Thu, Mar 1, 2018 at 7:01 AM

s22

s22

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SAY NO TO MERCURY

The Hon. Josh Frydenberg, MP
Minister for the Environment and Energy
Parliament House
Canberra ACT 2600

28 February 2018

Australia's ratification of the Minamata Convention on Mercury

Dear Minister,

As Director of Say No to Mercury, I am writing to express my concern at the seemingly very slow progress being made toward ratifying the United Nations Environment Program's Minamata Convention on Mercury. This important global initiative was created with the objective to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.

Say No to Mercury has been engaged closely with Federal and international bodies for more than seven years, working in a constructive way, advocating views about how a national phase down of mercury should occur across all sectors. This has been done in a professional and knowledgeable manner, advancing arguments backed by research and merit.

Say No to Mercury is Australia's leading NGO representing civil society's interests whilst participating at many intergovernmental negotiating sessions held in Africa, Asia, Europe and South America. Say No to Mercury is registered as a NGO for the purpose of attendance at the Conference of the Parties to the Minamata Convention on Mercury and is a partner in the United Nations Environment Global Mercury Partnership.

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Australia was one of the first group of countries to sign the Minamata Convention on Mercury. It was a proud moment to witness this at the Diplomatic Conference held in Japan on the 10 October 2013. Since then, 128 countries have signed the Convention and 88 have ratified it. The Minamata Convention on Mercury entered into force last year on 16 August.

Significantly, the USA was the first country to ratify the convention and continues to have important representation as directed by the Trump administration. Most European and major Asian Countries have followed suit including the European Union member countries, China, Japan, Brazil and Canada (see attached list of status of signature and ratification). Australia is now one of the last major countries not to have followed up its signature with ratification. Subsequently, its negotiation position within JUSCANZ was compromised at the first Conference of the Parties held in Geneva in September 2017. The second Conference of the Parties is scheduled for 19 November 2018. I am urging you to take the lead and ensure that Australia deposits its Instrument of Ratification before 20 August 2018 to become a Party to the Convention, thus enabling full capacity to represent Australia's best interests on this global stage.

It is both a sad and politically embarrassing outcome should this standout environmental achievement were to go uncompleted in this term of government and not credited to the political legacies of yourself, Minister Hunt and the Turnbull government.

The process for ratification is well advanced, and has already included several rounds of public consultation, resulting in the issues being fully aired.

- A formal public consultation paper was released by the Department in 2014, seeking views on the impacts on Australia of meeting the obligations of the Minamata Convention.

SAY NO TO MERCURY

- The Department of the Environment and Energy undertook further extensive consultation, starting with an Exposure Draft of the Regulation Impact Statement (ED RIS) in January 2015, and culminating in final comments being received in March 2017.
- A cost-benefit analysis (CBA) on the ratification of the Minamata Convention on Mercury was commissioned from Marsden Jacobs in 2015. Comments were again sought from all interested members of the public, industry and government on the draft with the document finalised in December 2017.

The current obstacle to progress is that the Minamata Convention on Mercury has not yet been tabled in Federal Parliament and this means the Joint Standing Committee on Treaties has not yet moved ahead with its part of the ratification process.

Ratification of the Minamata Convention on Mercury requires urgent political prioritization by the Cabinet.

The importance of the issue is well summarised in the RIS executive summary:

'Mercury significantly damages human and environmental health. On a per-capita basis, Australia's mercury pollution is high, at approximately double the global average.

Mercury pollution also occurs because there is little regulation of the importation, sale and disposal of many products that contain mercury.'

In summary, Australia is losing its lead in world efforts to reduce exposure to mercury. As the USA and the European Union member countries and many other countries have done, Australia needs domestic policies and programs that move beyond waste management strategies whilst focusing on source reduction solutions that complete the fate of toxic mercury. This includes laying the groundwork for phasing out of all remaining major uses, emissions and releases of mercury in Australia, including dental amalgam.

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The first step is for Australia to move quickly to ratify the Minamata Convention on Mercury before 20 August 2018.

Yours faithfully,



S47F

Minamata Convention on Mercury - Status of signature and ratification

Number of Signatories: 128

Number of Parties: 88

Participant	Signature	Ratification
Afghanistan		02/05/2017 (a)
Albania	09/10/2014	
Angola	11/10/2013	
Antigua and Barbuda		23/09/2016 (a)
<u>Argentina</u>	10/10/2013	25/09/2017
<u>Armenia</u>	10/10/2013	13/12/2017
Australia	10/10/2013	
<u>Austria</u>	10/10/2013	12/06/2017
Bangladesh	10/10/2013	
Belarus	23/09/2014	
<u>Belgium</u>	10/10/2013	
Benin	10/10/2013	07/11/2016
Bolivia (Plurinational State of)	10/10/2013	26/01/2016
Botswana		03/06/2016 (a)
Brazil	10/10/2013	08/08/2017
Bulgaria	10/10/2013	18/05/2017
Burkina Faso	10/10/2013	10/04/2017 (a)
Burundi	14/02/2014	
Cambodia	10/10/2013	
Cameroon	24/09/2014	
<u>Canada</u>	10/10/2013	7/04/2017

SAY NO TO MERCURY

Participant	Signature	Ratification
Central African Republic	10/10/2013	
Chad	25/09/2014	24/09/2015
Chile	10/10/2013	
<u>China</u>	10/10/2013	31/08/2016
Colombia	10/10/2013	
Comoros	10/10/2013	
Congo (Republic of the)	08/10/2014	
Costa Rica	10/10/2013	19/01/2017
Côte d'Ivoire	10/10/2013	
Croatia	24/09/2014	25/09/2017
Cuba		30/01/2018 (a)
Cyprus	24/09/2014	
<u>Czech Republic</u>	10/10/2013	19/06/2017
Denmark	10/10/2013	18/05/2017
Djibouti	10/10/2013	23/09/2014
Dominican Republic	10/10/2013	
Ecuador	10/10/2013	29/07/2016
El Salvador		20/06/2017 (a)
Estonia		21/06/2017 (a)
Ethiopia	10/10/2013	
<u>European Union</u>	10/10/2013	18/05/2017 (AA)
Finland	10/10/2013	01/06/2017 (A)
France	10/10/2013	15/06/2017
Gabon	30/06/2014	24/09/2014 (A)
Gambia	10/10/2013	07/11/2016
Georgia	10/10/2013	
<u>Germany</u>	10/10/2013	15/09/2017

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Participant	Signature	Ratification
Ghana	24/09/2014	23/03/2017
Greece	10/10/2013	
Guatemala	10/10/2013	
Guinea	25/11/2013	21/10/2014
Guinea-Bissau	24/09/2014	
Guyana	10/10/2013	24/09/2014
Honduras	24/09/2014	22/03/2017
Hungary	10/10/2013	18/05/2017
India	30/09/2014	
Indonesia	10/10/2013	22/09/2017
<u>Iran (Islamic Republic of)</u>	10/10/2013	16/06/2017
Iraq	10/10/2013	
Ireland	10/10/2013	
Israel	10/10/2013	
Italy	10/10/2013	
<u>Jamaica</u>	10/10/2013	19/07/2017
Japan	10/10/2013	02/02/2016 (A)
Jordan	10/10/2013	12/11/2015
Kenya	10/10/2013	
Kiribati		28/07/2017 (a)
Korea (Republic of)	24/09/2014	
Kuwait	10/10/2013	3/12/2015
Lao People's Democratic Republic		21/09/2017 (a)
Latvia	24/09/2014	20/06/2017
Lebanon		13/10/2017 (a)
Lesotho		12/11/2014 (a)
Liberia	24/09/2014	

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Participant	Signature	Ratification
Libya	10/10/2013	
Liechtenstein		01/02/2017 (a)
Lithuania	10/10/2013	15/01/2018
Luxembourg	10/10/2013	21/09/2017
Madagascar	10/10/2013	13/05/2015
Malawi	10/10/2013	
Malaysia	24/09/2014	
Mali	10/10/2013	27/05/2016
Malta	08/10/2014	18/05/2017
Mauritania	11/10/2013	18/08/2015
<u>Mauritius</u>	10/10/2013	21/09/2017
Mexico	10/10/2013	29/09/2015
Moldova (Republic of)	10/10/2013	20/06/2017
Monaco	24/09/2014	24/09/2014
Mongolia	10/10/2013	28/09/2015
Montenegro	24/09/2014	
Morocco	06/06/2014	
Mozambique	10/10/2013	
<u>Namibia</u>		06/09/2017 (a)
Nepal	10/10/2013	
<u>Netherlands</u>	10/10/2013	18/05/2017
New Zealand	10/10/2013	
Nicaragua	10/10/2013	29/10/2014
Niger	10/10/2013	09/06/2017
Nigeria	10/10/2013	01/02/2018
<u>Norway</u>	10/10/2013	12/05/2017
Pakistan	10/10/2013	

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Participant	Signature	Ratification
Palau	09/10/2014	21/06/2017
Panama	10/10/2013	29/09/2015
Paraguay	10/02/2014	
<u>Peru</u>	10/10/2013	21/01/2016
Philippines	10/10/2013	
Poland	24/09/2014	
Romania	10/10/2013	18/05/2017
Russian Federation	24/09/2014	
Rwanda		29/06/2017 (a)
Saint Kitts and Nevis		24/05/2017 (a)
Samoa	10/10/2013	24/09/2015
Senegal	11/10/2013	03/03/2016
Serbia	09/10/2014	
<u>Seychelles</u>	27/05/2014	13/01/2015
Sierra Leone	12/08/2014	1/11/2016
Singapore	10/10/2013	22/09/2017
Slovakia	10/10/2013	31/05/2017
Slovenia	10/10/2013	23/06/2017
South Africa	10/10/2013	
Spain	10/10/2013	
Sri Lanka	08/10/2014	19/06/2017
Sudan	24/09/2014	
Swaziland		21/09/2016 (a)
Sweden	10/10/2013	18/05/2017
Switzerland	10/10/2013	25/05/2016
Syrian Arab Republic	24/09/2014	26/07/2017
Tanzania (United Republic of)	10/10/2013	

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Participant	Signature	Ratification
<u>Thailand</u>		22/06/2017 (a)
The former Yugoslav Republic of Macedonia	25/07/2014	
Togo	10/10/2013	03/02/2017
Tunisia	10/10/2013	
Turkey	24/09/2014	
Uganda	10/10/2013	
United Arab Emirates	10/10/2013	27/04/2015
United Kingdom of Great Britain and Northern Ireland	10/10/2013	
<u>United States of America</u>	06/11/2013	06/11/2013 (A)
Uruguay	10/10/2013	24/09/2014
Venezuela (Bolivarian Republic of)	10/10/2013	
Viet Nam	11/10/2013	23/06/2017 (AA)
Yemen	21/03/2014	
Zambia	10/10/2013	11/03/2016
Zimbabwe	11/10/2013	

- <http://www.mercuryconvention.org/Countries/tabid/3428/Default.aspx>

Copy to: **To:** Minister for the Environment and Energy (For Decision)

Secretary
Mr Knudson
Mr Tregurtha **Cc.:** Assistant Minister for the Environment

RATIFICATION MINAMATA CONVENTION ON MERCURY

Timing: 5 April 2018 – to provide a response back to **s47F**



Recommendation:

1. That you sign the reply letter to **s47F** (**Attachment A**).

Signatory:

Comments:

Signed / Not signed

Date:

19/4/18


Clearing Officer: Sent 22/03/2018	Andrew McNee	Assistant Secretary, Chemicals Management Branch	Ph: s11C(1)(a) Mob: s22
Contact Officer:	s22	Chemicals Management and Standards Section	Ph: s22

Key Points:

1. **s47F** of the NGO "Say No to Mercury" wrote to you on 1 March 2018 (**Attachment B**), expressing concern over the time it is taking to ratify the Minamata Convention on Mercury (the Convention). **s47F** wants the Government to expedite the process and ratify before August 2018, which would make Australia a Party to the Convention at the next Conference of the Parties in November 2018.
2. Australia has a well-established process for the ratification of treaties. The process includes a number of analysis and scrutiny steps that contribute to ensuring that the Government's decision to ratify a treaty is in the national interest. The process for the ratification of new treaties requires extensive consultation with the public, affected stakeholders and the states, scrutiny in the Australian Parliament including through the Joint Standing Committee on Treaties (JSCOT) and final approval by Executive Council.
3. Following consultation with the public and stakeholders in 2015 and early 2017, the Department is preparing a Final Regulatory Impact Statements (RIS) and associated cost benefit analysis (CBA) for approval by the Office of Best Practice Regulation (OBPR). The Department expects to submit a brief with the RIS and CBA for your consideration in April 2018. The brief will also provide letters seeking the agreement of relevant Ministers and the Prime Minister to ratification.

4. Subject to agreement, a National Interest Analysis (NIA), with the RIS and CBA would then be tabled in Parliament for 20 joint sitting days and a reference given to JSCOT.
5. There are two mechanisms that have been used to either expedite, or take binding action in advance of, the JSCOT process, but their use is very rare. They are:
 - a. Seeking a National Interest Exemption (NIE) – for urgent binding treaty action where it would be detrimental to the national interest to delay entry into force of the treaty. A NIE is approved by the Foreign Minister and exemptions are rare, and generally only used in extreme circumstances (e.g. in the aftermath of the downing of MH17 in the Ukraine).
 - b. Requesting an expedited inquiry from JSCOT (e.g. seek a report within 10 joint sitting days, rather than 20) in circumstances where the Government believes it would be in the national interest to do so (usually where timing is beyond the control of the Australian Government). It is open to the committee to refuse (which it may be inclined to do if the reasons for seeking the expedited inquiry are tenuous).
6. **s47F** raised the ratification of the Kyoto Protocol as an example of an expedited approach. The Protocol was referred to JSCOT after ratification. According to the National Interest Analysis tabled with the treaty, it was ratified on the basis that ratification was a key election commitment of the incoming Rudd Government.

Sensitivities and Handling

7. The Minister for Health (the Hon Greg Hunt MP) are likely to have an interest in the issues surrounding dental amalgam and the Minister for Agriculture and Water Resources (the Hon David Littleproud MP) will have an interest in the issues around the treatment of the mercury-containing pesticide Shirtan®.
8. 
9. States and territories may also need to amend their legislation in relation to managing emissions, releases, storing and managing waste mercury to enact these commitments before ratification of the treaty
10. Potential talking points on the timing and steps for ratification are at **Attachment C**.

Consultation: Treaties Secretariat, Department of Foreign Affairs and Trade

ATTACHMENTS

- A:** Response letter to **s47F**
- B:** Incoming correspondence
- C:** Potential Talking Points



**THE HON JOSH FRYDENBERG MP
MINISTER FOR THE ENVIRONMENT AND ENERGY**

MC18-002793

s47F

14 APR 2018

Say No to Mercury
131 Commercial Road
SOUTH YARRA VIC 3141

Dear **s47F**

Thank you for your email letter concerning ratification of the Minamata Convention on Mercury (the Convention). It was very informative and valuable in detailing the history of the Convention and clear in urging that ratification take place as soon as practicable.

The Australian Government strongly supports the intent and objectives of the Convention and appreciates its role globally in addressing the risks to human health and the environment posed by mercury.

At the same time, the Government also takes ratification of new treaties very seriously. The formal ratification process is important to gather the views of the community and affected stakeholders on the benefits and costs of implementation, and to ensure well-informed Parliamentary scrutiny. This scrutiny is important in ensuring both a strong commitment to the treaty and robust, long-lasting arrangements for the implementation of its obligations.

The consultation process completed in 2017 resulted in 27 non-confidential submissions, which are now published on the Department's website:
<http://www.environment.gov.au/protection/chemicals-management/mercury/consultation-ris-2016>. The submissions demonstrate strong support for ratification of the Convention. A number of issues have been raised relating to potential impacts from ratification which have required more detailed assessment and consideration. I am anticipating that this additional work and the National Interest Analysis will be available shortly and signal the start of scrutiny in the Australian Parliament.

I have asked the Department to review the work plan for ratification and where steps can be expedited, that do not compromise the ratification process, to action them.

Thank you again for so passionately bringing your concerns to my attention.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'J. Frydenberg', written over a light blue horizontal line.

JOSH FRYDENBERG

CC: the Hon Melissa Price MP, Assistant Minister for the Environment.



**THE HON MELISSA PRICE MP
ASSISTANT MINISTER FOR THE ENVIRONMENT**

MC18-001460

Mr Russell Broadbent MP
Member for McMillan
46c Albert Street
WARRAGUL VICTORIA 3820

- 8 MAY 2018

Dear Mr ~~Broadbent~~

Russell

Thank you for your letter to the Prime Minister on behalf of s47F concerning the Minamata Convention (the Convention) on Mercury. Your letter has been referred to me as the Assistant Minister responsible for the matters you raised.

As you know, Australia signed the Convention on 10 October 2013, indicating interest in ratifying the Convention by realising significant benefits for human health and the environment from better managing mercury. The ratification process requires extensive industry analysis and consultation with key stakeholders to determine impacts (i.e. costs and benefits). A number of issues have been raised relating to potential impacts from ratification which have required detailed assessment and consideration.

Currently the Department is finalising material to inform the Government's consideration of ratification. I am informed that s47F has been engaged in consultation process, and his views and opinions have been carefully considered by the Department. The Department continues to engage with s47F. Thank you for raising s47F concerns.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Melissa Price'.

MELISSA PRICE



MC18-006712

SENATOR THE HON MITCH FIFIELD
SENATOR FOR VICTORIA

The Hon. Josh Frydenberg MP
Minister for the Environment and Energy
Federal Member for Kooyong
Parliament House
CANBERRA ACT 2600

Min No: MC ESD
 Division: ESD
 Link: [initials]
 Date: 23 May 2018
 Recd: 23 May 2018
 Environment
 Minister
 Minister
 Coordination
 Refer to
 Please Action
 For Inform

link MC18-002793

Josh

Dear Minister

My office received a letter from s47F regarding the United Nations Environment Programme's Minamata Convention on Mercury. s47F s47F of Say No to Mercury, an environmental non-governmental organisation. s47F s47F s47F

s47F has raised concern, on behalf of s47F organisation, about the Federal Government's progress in ratifying the Minamata Convention. I have enclosed a copy of s47F correspondence, in which s47F details that concern. In particular, s47F asserts that Australia has been "very slow" to ratify the Minamata Convention and requests the Federal Government ratify the Convention before 20 August 2018.

As the Minister for Environment and Energy, I trust you will be able to respond to s47F s47F concerns.

Yours sincerely

[Handwritten signature]
MITCH FIFIELD
22/5/18



s22 - material duplicated in Doc 16a

s22



MC18-007073

SENATOR AMANDA STOKER

Liberal National Party Senator for Queensland



Min No: MC EE
 Division
 DLQ: CJ Link: _____ Date: _____
 RECEIVED 29 MAY 2018
 Environment and Energy Minister
 Covering Brief
 Minister Reply
 CoS/Advice
 Refer to
 Departmental Reply
 Appropriate Action
 Further Information
 Campaign Advice

15 May 2018

The Hon Josh Frydenberg
Minister for the Environment and Energy
4 Treasury Place
EAST MELBOURNE VIC 3002

Dear Minister Frydenberg, *Josh*

I am aware of the work undertaken by **s47F** campaign to 'Say No to Mercury' and **s47F** advocacy for ratification of the Minamata Convention on Mercury.

I would like to express my support for **s47F** work and also my support for ratification of the Convention. Mercury is an insidious material that causes great harm and the universal cease of its use will be of great benefit to our planet.

I understand submissions have been received and analysed and some further work is underway by the Department. I would be grateful if I could be kept informed of progress please?

Yours sincerely,

Amanda Stoker
Amanda Stoker
Senator for Queensland



Australian National University



mc18-013733
s47F

ANU College of Law
Fellows Road, ANU, Acton, ACT 0200
s47F @anu.edu.au

The Hon Josh Frydenberg MP
Minister for the Environment and Energy
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Assist Dept Reply

Min No: MC
Division: ESD
Link:
Date: 8.8.18

RECEIVED 08 AUG 2018 Environment and Energy Minister

to Price

Covering Brief
 Minister Reply
 Cog/Advice
 Other

Information Reply
 Appropriate Action
 Consultation
 Advice

1 August 2018

Dear Mr Frydenberg,

Re: Ratification of the *Minamata Convention on Mercury*

As you know, Australia signed the *Minamata Convention on Mercury* on 10 October 2013 at Kumamoto in Japan, when the text of the Convention was first adopted and opened for signature.

I would like to offer my belated but warmest congratulations to the Australian Government for taking the very important step of signature of the Convention.

However, I am writing to you to inquire as to the Australian Government's plans as to when it intends to ratify the *Minamata Convention*. It is now four years and nine months since Australia signed the Convention.

A cost-benefit analysis was conducted by consultants Marsden Jacobs in May 2015 (and was only released some time later, in February 2017). That analysis concluded that the benefits would exceed the predicted costs in a number of scenarios by a ratio of at least 2.4 to 1. In relation to improved health outcomes the report estimated that even meeting the minimum requirements of the Convention would give reduced health costs with a net present value of \$166.7 million to \$206.5 million. With a more ambitious response, the health benefits would be as high as \$338.3 million. (p.22)

You are probably aware that your Department of Environment and Energy released an *Exposure Draft - Final Regulation Impact Statement* (ED RIS) in December 2016. This RIS found that "Addressing mercury emissions and releases, under Options 2, 3 and 4 in Australia would result in improvements to environmental health, lowered risks to key environmental assets such as the Great Barrier Reef, and reduced pathways and vectors of human exposure to this toxic substance." It also noted that "there was a significant net benefit resulting from each of the options considered" by the consultants to the Department. The RIS in particular noted that the option with the most stringent controls, Option 4, would provide the most benefit, as follows: "The greatest net benefit was achieved from Option 4 at \$207.0 million." (p.6)

Currently, human activities result in mercury emissions of ~2000 metric tons per year, and a business-as-usual approach will lead by 2050 to an increase to 3400 metric tons p.a. (Krabbenhoft and Sunderland (2013) “Global Change and Mercury” 341 (6153) *Science* 1457-1458). Given the long-lived environmental fate of mercury and the global nature of the mercury cycle and the proven human and environmental health implications, I am strongly urging the Australian Government to move quickly to ratify the Convention.

As you may know, Madagascar, Djibouti, Gabon, Guinea, Guyana, Lesotho, Nicaragua, the Seychelles, the United Arab Emirates, and Uruguay have now all ratified the *Minamata Convention*. Were this fact widely publicised then some observers might comment that it is somewhat embarrassing that a group of 94 nations, some facing more difficult economic circumstances, have proceeded more rapidly than Australia on such an important health protection and environmental initiative.

In addition, you may also already be aware that the USA ratified the Convention, on 6 November 2013. Given the close relationship between Australia and the USA, it is important in this particular instance that Australia take note of such rapid action by our close ally.

I strongly urge the Australian Government to move quickly to ratify the *Minamata Convention on Mercury*, to pursue Option 4 in the Department of Energy and Environment’s Regulatory Impact Statement (Ratification with Enhanced National Phase Down). This suggestion is in line with the Recommendation of the Regulatory Impact Statement (found at p.7) and of the Consultants’ report.

In this light, I am advised by Dr McGlusky, Secretary of the Joint Standing Committee on Treaties that the *Minamata Convention on Mercury* has not yet come before the Joint Standing Committee on Treaties.

I would urge you to take the necessary steps for this to occur by tabling the treaty in the Parliament as soon as possible.

I look forward to hearing about the Government’s plans to do so.

Yours sincerely



S47F

ANU College of Law.