

South Australia

## **Environment Protection (Waste Management) Policy 1994**

under the *Environment Protection Act 1993*

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### **Contents**

- 1 Short title
- 3 Interpretation
- 4 Collection and transport of medical waste
- 5 Duties of councils, hospitals and pharmacies in relation to medical waste
- 6 Transport of waste generally

### Legislative history

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#### **1—Short title**

This policy may be cited as the *Environment Protection (Waste Management) Policy 1994*.

#### **3—Interpretation**

- (1) In this policy—

*the Act* means the *Environment Protection Act 1993*;

*medical practice* includes the practice of pathology;

*medical waste* means waste consisting of—

- (a) a needle, syringe with needle, surgical instrument or other article that is discarded in the course of medical, dental or veterinary practice or research and has a sharp edge or point capable of inflicting a penetrating injury on contact; or
- (b) human tissue, bone, organ, body part or foetus; or
- (c) a vessel, bag or tube containing a liquid body substance; or
- (d) an animal carcass discarded in the course of veterinary research or medical practice or research; or
- (e) a specimen or culture discarded in the course of medical, dental or veterinary practice or research and any material that has come into contact with such a specimen or culture; or
- (f) any other article or matter that is discarded in the course of medical, dental or veterinary practice or research and that poses a significant risk to the health of a person who comes into contact with it.

**prescribed activity** means—

- (a) medical practice other than—
  - (i) the practice of pathology; or
  - (ii) medical practice at a hospital; or
- (b) dental practice other than at a hospital; or
- (c) nursing practice other than at a hospital; or
- (d) operating a nursing home; or
- (e) veterinary practice; or
- (f) operating a hospital with a capacity of less than 40 beds; or
- (g) operating an immunisation clinic;

**prescribed container** means a container—

- (a) that is impervious to moisture and leak-proof; and
  - (b) that will not rip, tear or burst under normal conditions of handling; and
  - (c) on which is displayed a label that complies with the requirements for a clause 6.21 label set out in the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, published in the *Commonwealth of Australia Gazette* No P. 15, as amended; and
  - (d) that, in the case of a container for waste consisting of needles, syringes with needles, surgical instruments or other articles with sharp points or edges capable of inflicting penetrating injuries on contact, is puncture-resistant and shatterproof.
- (2) In this policy, the expression **Mandatory provision** followed by a statement as to the category of an offence is to be taken to signify that contravention of the provision at whose foot the expression appears will be an offence of the category so stated for the purposes of Part 5 of the Act.

**Note—**

Unless the contrary intention appears, terms used in this policy that are defined in the Act have the respective meanings assigned to those terms by the Act.

#### **4—Collection and transport of medical waste**

- (1) Medical waste produced in the course of a prescribed activity must, as soon as is reasonably practicable after its production, be placed in prescribed containers and—
- (a) collected for disposal by—
    - (i) a person who carries on a waste transport business pursuant to an environmental authorisation authorising the collection and transport of medical waste; or
    - (ii) a council; or
  - (b) transported by a person employed or engaged in the business producing the waste directly to—
    - (i) a waste depot at which medical waste may be received pursuant to an environmental authorisation; or

- (ii) a hospital.
- (2) A person who carries on a business involving a prescribed activity must ensure that medical waste produced in the course of the business is placed in a prescribed container and collected or transported in accordance with subclause (1).

Mandatory provision: Category D offence.

## **5—Duties of councils, hospitals and pharmacies in relation to medical waste**

- (1) This clause applies to—
  - (a) a council or hospital that receives and stores medical waste produced in the course of a prescribed activity; and
  - (b) a pharmacy that receives and stores medical waste produced in the course of a domestic activity.
- (2) A council, hospital or pharmacy must ensure that the following provisions are complied with in relation to any medical waste received by it:
  - (a) if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste;
  - (b) all medical waste must be stored in containers that are weatherproof and insect and vermin proof;
  - (c) all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;
  - (d) all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;
  - (e) all containers of medical waste must be stored in a secure location;
  - (f) all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;
  - (g) discarded needles, syringes with needles, surgical instruments and any other sharp articles must be contained for disposal in rigid puncture-proof containers that are taped closed or tightly lidded and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;
  - (h) medical waste must be disposed of as soon as reasonably practicable;
  - (i) all medical waste must be disposed of by incineration or collected for disposal by—
    - (i) a person who carries on a waste transport business pursuant to an environmental authorisation authorising the collection and transport of medical waste; or
    - (ii) a council;
  - (j) before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste;

- (k) the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste;

Mandatory provision: Category D offence.

## **6—Transport of waste generally**

A person who transports waste on or in a vehicle must take all reasonable and practicable steps to cover, contain or secure the waste to ensure that it remains on or in the vehicle throughout the course of transportation.

Mandatory provision: Category D offence.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Revocation of policy

The *Environment Protection (Waste Management) Policy 1994* was revoked by Sch 6 of the *Environment Protection (Waste to Resources) Policy 2010* on 1.9.2010.

### Principal policy and amendments

| Notice                   | Provision under which notice is made | Publication of policy in Gazette | Commencement    |
|--------------------------|--------------------------------------|----------------------------------|-----------------|
| Gazette 27.10.1994 p1352 | Sch 2 cl 5                           | <i>Gazette 27.10.1994 p1415</i>  | 1.5.1995: cl 2  |
| Gazette 21.7.2005 p2419  | Sch 1 cl 3 of Act 21/2005            | —                                | 21.7.2005: cl 2 |

### Provisions amended

Entries that relate to provisions that have been deleted appear in italics.

| Provision   | How varied   | Commencement     |
|-------------|--|------------------|
| <i>cl 2</i> | <i>omitted under the Legislation Revision and Publication Act 2002</i> | <i>21.7.2005</i> |
| cl 4        |  |                  |
| cl 4(2)     | amended by 21.7.2005 p2419   | 21.7.2005        |
| cl 5        |  |                  |
| cl 5(2)     | amended by 21.7.2005 p2419   | 21.7.2005        |
| cl 6        | amended by 21.7.2005 p2419   | 21.7.2005        |