

**WASTE DISPOSAL (AMENDMENT) ACT, 1980,
No. 21**

New South Wales



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ELIZABETHÆ II REGINÆ

Act No. 21, 1980.

An Act to amend the Waste Disposal Act, 1970, to make further provision with respect to the powers of the Waste Disposal Authority and to modify procedures for settling disputes between that Authority and other public authorities.
[Assented to, 15th April, 1980.]

Waste Disposal (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Waste Disposal (Amendment) Act, 1980".

Amendment of Act No. 97, 1970. **2.** The Waste Disposal Act, 1970, is amended in the manner set forth in Schedule 1.

Transitional provision. **3.** The provisions of section 27 of the Waste Disposal Act, 1970, as in force before the date of assent to this Act, shall continue to apply, as if the amendments to that section made by this Act had not been made, to any dispute referred to in subsection (1) of that section which was submitted to the Premier for settlement but in respect of which the Premier's decision under that subsection had not been given **before that date**.

Sec. 2.**SCHEDULE 1.****AMENDMENTS TO THE WASTE DISPOSAL ACT, 1970.****(1) (a) Section 23 (4) (b)—**

Omit "subject to which the certificate or licence was granted", insert instead "to which the certificate or licence is, for the time being, subject".

(b) Section 23 (5) (b)—

Omit "and the routes along which", insert instead "which, the routes along which and the depots or regional depots to **which**".

Waste Disposal (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE WASTE DISPOSAL ACT, 1970—*continued.*

(c) Section 23 (7) (b)—

Omit “refers a dispute arising out of the decision to the Premier in accordance with section 27, until the Premier confirms the decision”, insert instead “, in accordance with section 27, refers a dispute arising out of the decision, until the decision is confirmed under that section”.

(2) (a) Section 27 (1)—

Omit “Where”, insert instead “Except as provided in subsection (1A), where”.

(b) Section 27 (1)—

Omit “and the decision of the Premier on the dispute shall be final and shall be deemed to be the decision of the Authority”, insert instead “in accordance with this section”.

(c) Section 27 (1A)—

After section 27 (1), insert :—

(1A) Where a dispute arises between the Authority and a council with respect to any decision of the Authority referred to in subsection (1), the Authority or the council may, within 21 days after the decision was notified by the Authority to the council, refer the dispute to the Minister for settlement in accordance with this section.

(d) Section 27 (2)—

After “subsection (1)”, insert “or (1A)”.

Waste Disposal (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE WASTE DISPOSAL ACT, 1970—*continued.*

(e) Section 27 (3)–(8)—

Omit section 27 (3), insert instead :—

(3) On the submission of a dispute to the Premier or the Minister under subsection (1) or (1A), the Premier or Minister may appoint a person to hold an inquiry and make a report to him with respect to that dispute or may himself hold an inquiry with respect to that dispute.

(4) After the completion of an inquiry held under subsection (3) and, where a report is made to the Premier or the Minister under that subsection, after consideration by him of that report, the Premier or the Minister, as the case may be, may make such order with respect to the dispute, having regard to the public interest and to the circumstances of the case, as he thinks fit.

(5) An order made by the Premier or the Minister under subsection (4) may direct the payment of any costs or expenses of or incidental to the holding of the inquiry.

(6) It shall be the duty of the Authority or, as the case may be, an officer of the Authority to comply with an order given to it or him under subsection (4).

(7) The Authority, an officer of the Authority, a council or another public authority, as the case may be, to which or to whom an order is given under subsection (4) is empowered, notwithstanding the provisions of any other Act, to comply with that order.

Waste Disposal (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE WASTE DISPOSAL ACT, 1970—*continued.*

(8) An order given to a public authority under subsection (4) shall be final and shall, except for the purposes of this section, be deemed to be the decision of the Authority.
