

WASTE DISPOSAL (AMENDMENT) ACT 1989 No. 30

NEW SOUTH WALES



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WASTE DISPOSAL (AMENDMENT) ACT 1989 No. 30

NEW SOUTH WALES



Act No. 30, 1989

An Act to amend the Waste Disposal Act 1970 to authorise the construction and operation of a high temperature waste incineration facility and to change the name of the Metropolitan Waste Disposal Authority; and to make consequential amendments to other Acts. [Assented to 21 April 1989]

*Waste Disposal (Amendment) 1989***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Waste Disposal (Amendment) Act 1989.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Waste Disposal Act 1970 No. 97

3. The Waste Disposal Act 1970 is amended as set out in Schedule 1.

Consequential amendment of other Acts

4. The Acts set out in Schedule 2 are amended as set out in that Schedule.

SCHEDULE 1—AMENDMENT OF WASTE DISPOSAL ACT 1970

(Sec. 3)

(1) Long title—

- (a) Omit “Metropolitan Waste Disposal Authority”, insert instead “Waste Management Authority of New South Wales”.
- (b) After “Region”, insert “and the construction and operation of a high temperature waste incineration facility”.

(2) Section 2 (Arrangement)—

Omit the section.

(3) Section 5 (Definitions)—

- (a) Section 5, definition of “Authority”—

Omit the definition, insert instead:

“Authority” means the Waste Management Authority of New South Wales;

- (b) Section 5—

After the definition of “garbage”, insert:

“incineration facility” means the high temperature waste incineration facility of the Authority constructed and operated under Part 4A, and includes the premises used in connection with its operation;

(4) Part 3, heading—

Omit the heading, insert instead:

**PART 3—CONSTITUTION OF THE WASTE
MANAGEMENT AUTHORITY**

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 SCHEDULE 1—AMENDMENT OF WASTE DISPOSAL ACT 1970—
continued

- (5) Section 7 (**Constitution of the Waste Management Authority**)—
 Section 7 (1)—
 Omit “Metropolitan Waste Disposal Authority”, insert instead
 “Waste Management Authority of New South Wales”.
- (6) Part 4, heading—
 Omit “METROPOLITAN WASTE DISPOSAL AUTHORITY”,
 insert instead “WASTE MANAGEMENT AUTHORITY”.
- (7) Section 17 (**Responsibilities etc. of Authority**)—
 Omit section 17 (1), insert instead:
 (1) Subject to this Act, the Authority is responsible for—
 (a) the disposal of waste in the Metropolitan Waste Disposal
 Region; and
 (b) the construction and operation of a high temperature waste
 incineration facility in accordance with Part 4A.
- (8) Part 4A—
 After Part 4, insert:
**PART 4A—HIGH TEMPERATURE WASTE INCINERATION
 FACILITY**
- Definitions**
- 21A. In this Part—
 “intractable waste” means waste for which the only
 environmentally acceptable and practicable method of
 disposal is, in the opinion of the Minister, high temperature
 incineration.
 “waste” includes any substance requiring disposal.
- Authority may construct and operate incineration facility**
- 21B. (1) The Authority may construct and operate a high
 temperature waste incineration facility for the disposal of the
 following kinds of waste:
 (a) intractable waste;
 (b) waste which, in the opinion of the Minister, would not
 otherwise be disposed of by the most environmentally
 acceptable means and should be disposed of by
 incineration in the incineration facility.
- (2) For the purpose of constructing the incineration facility, the
 Authority may acquire land anywhere in New South Wales by any
 method authorised by this Act.

SCHEDULE 1—AMENDMENT OF WASTE DISPOSAL ACT 1970—
continued

(3) The Authority may, with the approval of the Minister, make arrangements with suitably qualified persons for the operation on its behalf of the incineration facility.

(4) This section is subject to the Environmental Planning and Assessment Act 1979 and any environmental planning instrument within the meaning of that Act.

(5) The Minister shall, before the expiration of 10 years after the construction of the incineration facility, review the operation of the facility and, for that purpose, hold a public inquiry into the continued operation of the facility.

(6) If, as a result of that review, the Minister is satisfied that there is no longer a need for the incineration facility, the Authority shall cease to operate the facility.

Incineration facility may be used for disposal of waste generated within Australia

21C. (1) The Authority may, in its incineration facility, dispose of waste referred to in section 21B which was generated anywhere within Australia, but may not dispose of any such waste generated outside Australia.

(2) In this section—

“Australia” includes any external Territory.

Advisory Board to monitor operation of incineration facility

21D. (1) There shall be an Incineration Facility Advisory Board consisting of—

- (a) the Director, who shall be the Chairperson of the Advisory Board;
- (b) the manager of the incineration facility;
- (c) a person employed at the incineration facility and appointed by the Minister to represent the persons employed at that facility;
- (d) a person appointed by the Minister to represent the Minister for the Environment of the Commonwealth;
- (e) a person appointed by the Minister to represent industry;
- (f) 2 persons appointed by the Minister to represent organisations formed for the protection of the environment;
- (g) 2 members of the Authority appointed by the Minister;
- (h) the Director of the State Pollution Control Commission or that Director's nominee;

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 SCHEDULE 1—AMENDMENT OF WASTE DISPOSAL ACT 1970—
continued

- (i) a person appointed by the Minister to represent the local community in which the incineration facility is or is to be located;
- (j) the chairperson of the Community Monitoring Committee established under the regulations; and
- (k) a person appointed by the Minister on the nomination of the Minister administering the Dangerous Goods Act 1975.

(2) Each appointed member of the Advisory Board shall hold office as a member for such period (not exceeding 5 years) as may be specified in the member's instrument of appointment, but is eligible for re-appointment.

(3) The function of the Advisory Board is to monitor the operation of the incineration facility and to give such advice to the Minister and the Authority in connection with its operation as it thinks fit or as the Minister or the Authority requests.

(4) The Advisory Board shall publish, at least once every 6 months, for public information the results of its monitoring of the incineration facility.

(5) The procedure for the calling of meetings of the Advisory Board and for the conduct of business at those meetings shall, subject to any directions by the Minister, be determined by the Board.

(6) An appointed member of the Advisory Board is entitled to be paid such allowances as the Minister may from time to time determine in respect of the member.

Separate financial records and annual reporting for incineration facility

21E. (1) The Authority shall maintain its accounting and other financial records so that the operation of its incineration facility comprises a separate cost centre.

(2) The Authority shall in any report to Parliament on its financial or other activities make a separate report on the operation of its incineration facility.

(9) Section 43 (Acquisition of land)—

- (a) Section 43 (5) (b) (i)—

Omit “therefrom; and”, insert instead “therefrom.”.

- (b) Section 43 (5) (b) (ii)—

Omit the subparagraph.

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SCHEDULE 1—AMENDMENT OF WASTE DISPOSAL ACT 1970—
continued
(10) Section 46 (Charges and fees)—**(a) After section 46 (1) (a), insert:**

(a1) receives waste referred to in section 21B at its incineration facility;

(b) Section 46 (2)—

After “regional depot”, insert “or its incineration facility”.

(11) Section 47 (Property in, and sale of waste)—

After “regional depot” wherever occurring, insert “or the incineration facility”.

(12) Section 58 (Regulations)—**(a) Section 58 (1) (a)—**

Omit “and regional depots”, insert instead “, regional depots and the incineration facility”.

(b) After section 58 (1) (b), insert:

(b1) the treatment, storage or disposal of waste referred to in section 21B and, in particular, requiring any such waste to be disposed of in the Authority’s incineration facility;

(b2) the establishment of a Community Monitoring Committee to represent the local community in which the incineration facility is or is to be located and to monitor the performance of the incineration facility in accordance with the regulations;

(c) Section 58 (2) (b)—

After “regional depots”, insert “or the incineration facility”.

**SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF OTHER
 ACTS**

(Sec. 4)

Environmental Planning and Assessment Act 1979 No. 203—**Schedule 2 (Advisory Co-ordinating Committee)—**

Omit “The Metropolitan Waste Disposal Authority.”, insert instead “The Waste Management Authority of New South Wales.”.

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SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF OTHER
ACTS—*continued*

Environmentally Hazardous Chemicals Act 1985 No. 14—

Schedule 1 (Provisions Relating to the Committee)—

Clause 2 (f)—

Omit “Metropolitan Waste Disposal Authority”, insert instead
“Waste Management Authority of New South Wales”.

Public Sector Management Act 1988 No. 33—

Schedule 3 (Declared Authorities)—

- (1) Omit “Metropolitan Waste Disposal Authority (section 7 not to apply).”.
- (2) Insert (in alphabetical order):
Waste Management Authority of New South Wales (section 7 not to apply).

State Authorities Non-contributory Superannuation Act 1987 No. 212—

Schedule 1, Part 1 (Employers)—

- (1) Omit “Metropolitan Waste Disposal Authority”.
- (2) Insert (in alphabetical order):
Waste Management Authority of New South Wales

State Authorities Superannuation Act 1987 No. 211—

Schedule 1, Part 1 (Employers)—

- (1) Omit “Metropolitan Waste Disposal Authority”.
- (2) Insert (in alphabetical order):
Waste Management Authority of New South Wales

State Pollution Control Commission Act 1970 No. 95—

Section 18 (Technical Advisory Committee)—

Section 18 (2) (i)—

Omit the paragraph, insert instead:

- (i) one shall be a representative of the Waste Management Authority of New South Wales nominated by that Authority;

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SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF OTHER
ACTS—*continued*

Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)—

Schedule 2 (Public Offices)—

Omit “Metropolitan Waste Disposal Authority” wherever occurring, insert instead “Waste Management Authority of New South Wales”.

*[Minister's second reading speech made in—
Legislative Assembly on 1 March 1989
Legislative Council on 18 April 1989]*