

[Act 2001 No 59]



New South Wales

# Waste Recycling and Processing Corporation Bill 2001

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.\*

### Overview of Bill

The objects of this Bill are as follows:

- (a) to establish the Waste Recycling and Processing Corporation as a statutory State owned corporation, within the context of the *State Owned Corporations Act 1989* (the *SOC Act*), and to set out its principal functions and objectives,
- (b) to dissolve the Waste Recycling and Processing Service,
- (c) to make consequential amendments to other legislation,
- (d) to enact consequential savings and transitional provisions.

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\* Amended in committee—see table at end of volume.

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## Outline of provisions

### Part 1 Preliminary

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** defines certain words and expressions used in the proposed Act, and provides for certain other words and expressions to be given the same meanings as they have in the SOC Act.

### Part 2 Waste Recycling and Processing Corporation

**Clause 4** establishes the Waste Recycling and Processing Corporation (the *Corporation*) as a statutory State owned corporation under the SOC Act.

**Clause 5** sets out the principal objectives of the Corporation. These are as follows:

- (a) to be a successful business and, to this end:
  - (i) to operate at least as efficiently as any comparable businesses, and
  - (ii) to maximise the net worth of the State's investment in it, and
  - (iii) to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates,
- (b) to protect the environment by conducting its operations in compliance with the principles of ecologically sustainable development contained in section 6 (2) of the *Protection of the Environment Administration Act 1991*,
- (c) to exhibit a sense of responsibility towards regional development and decentralisation in the way in which it operates,
- (d) to provide and manage efficient, safe and reliable waste facilities, secondary resource facilities and related facilities,
- (e) to be an efficient and responsible provider of waste management services, secondary resource recovery services and related services,
- (f) to minimise any adverse health and environmental impacts of its activities and services relating to waste management and secondary resource recovery.

**Clause 6** sets out the principal functions of the Corporation. These are as follows:

- (a) to establish, maintain and operate waste facilities, secondary resource facilities and related facilities,
- (b) to conduct businesses or provide services relating to waste, and secondary resource recovery,
- (c) to provide waste management services, secondary resource management services and related services,
- (d) to research, develop and implement alternative technologies for managing waste,
- (e) to trade in waste and secondary resources.

**Clause 7** provides for a board of directors for the Corporation.

**Clause 8** provides for a chief executive officer of the Corporation.

**Clause 9** provides for an acting chief executive officer of the Corporation.

**Clause 10** makes it clear that the SOC Act applies in respect of the Corporation.

### **Part 3 Dissolution of Waste Recycling and Processing Service**

**Clause 11** dissolves the Waste Recycling and Processing Service (the corporation established by the *Waste Recycling and Processing Service Act 1970*).

**Clause 12** provides that the Corporation is a continuation of, and the same legal entity as, the Waste Recycling and Processing Service.

**Clause 13** transfers the general assets, rights and liabilities of the Waste Recycling and Processing Service to the Waste Recycling and Processing Corporation.

**Clause 14** allows the Minister, on or before the dissolution of the Waste Recycling and Processing Service, to transfer particular assets, rights and liabilities of the Service to the Ministerial Holding Corporation constituted under the SOC Act or to any other person acting on behalf of the State.

## **Part 4 Miscellaneous**

**Clause 15** provides that any waste received at a waste facility of the Corporation is the property of the Corporation.

**Clause 16** provides for the making of regulations for the purposes of the proposed Act.

**Clause 17** repeals the *Waste Recycling and Processing Service Act 1970*.

**Clause 18** gives effect to the consequential amendments set out in Schedule 3.

**Clause 19** gives effect to the savings, transitional and other provisions set out in Schedule 4.

**Clause 20** provides for a review of the proposed Act at the end of 5 years after its date of assent.

## **Schedules**

**Schedule 1** sets out the provisions that are to apply to the transfer of assets, rights and liabilities under the proposed Act.

**Schedule 2** sets out the provisions that are to apply to the transfer of staff under the proposed Act.

**Schedule 3** amends the following legislation:

*Environmentally Hazardous Chemicals Act 1985*

*First State Superannuation Act 1992*

*Land and Environment Court Act 1979*

*Public Authorities (Financial Arrangements) Regulation 2000*

*Public Finance and Audit Act 1983*

*Public Sector Management Act 1988*

*State Authorities Superannuation Act 1987*

*Superannuation Act 1916*

**Schedule 4** sets out provisions of a savings or transitional nature consequent on the enactment of the proposed Act.