

## WASTE DISPOSAL (FURTHER AMENDMENT) BILL 1989

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The objects of this Bill are—

- (a) to amend the Waste Disposal Act 1970 to reconstitute the Waste Management Authority; and
- (b) to make consequential amendments to that Act and to other Acts.

The reconstituted Authority will have the same responsibilities and functions as the existing Authority (formerly known as the Metropolitan Waste Disposal Authority).

The policies of the reconstituted Authority are to be determined by a Board comprising a Managing Director and 6 part-time members. Its affairs will be managed and controlled by the Managing Director.

At present the Authority consists of—

- (a) 6 appointed members, being the Director, the Deputy Director, 2 representatives of local councils and 2 representatives nominated by the Minister; and
- (b) the Managing Director of the Sydney Water Board.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act is to commence on a day or days to be appointed by proclamation. Certain amendments contained in the proposed Waste Disposal (Amendment) Act 1989 (including the change of the Authority's name) must be commenced before the commencement of the proposed Act.

**Clause 3** is a formal provision that gives effect to the Schedule of amendments to the Waste Disposal Act 1970.

**Clause 4** is a formal provision that gives effect to the Schedule of amendments to other Acts.

*Waste Disposal (Further Amendment) 1989*

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**SCHEDULE 1—AMENDMENT OF WASTE DISPOSAL ACT 1970**

**Reconstitution of Waste Management Authority**

Schedule 1 (3) repeals sections 7 and 8 of the Principal Act (section 7 being the provision under which the existing Waste Management Authority is established) and inserts the following provisions:

- Proposed section 7 constitutes the Waste Management Authority. It is a corporate statutory body representing the Crown.
- Proposed section 8 constitutes a Waste Management Authority Board consisting of the Managing Director of the Authority and 6 part-time members appointed by the Governor on the recommendation of the Minister.
- Proposed section 8A describes the function of the Board as being that of determining the policies of the Authority.
- Proposed section 8B provides for the appointment of a Managing Director and Deputy Managing Director of the Authority, both of whom are to be statutory officers.
- Proposed section 8C describes the functions of the executive officers appointed under proposed section 8B. The Managing Director is to manage and control the affairs of the Authority in accordance with policies determined by the Board. The Deputy Managing Director is to have such functions as the Managing Director determines and is to act in the office of Managing Director during a vacancy in that office.
- Proposed section 8D provides that the Waste Management Authority Board and the executive officers are, in the exercise of their respective functions, subject to the control and direction of the Minister.

Schedule 1 (1), (2), (4)–(11) and (13) make minor consequential amendments to the Principal Act.

**Provisions relating to the members and procedure of the Waste Management Authority Board and the executive officers of the Authority**

Schedule 1 (14) inserts Schedules 2 and 3 into the Principal Act. Proposed Schedule 2 contains provisions relating to the constitution and procedure of the Waste Management Authority Board. In addition to the usual provisions, the Schedule—

- (a) provides for one of the part-time members to be appointed as Chairperson of the Board (clause 2);
- (b) provides for the appointment of deputies of part-time members (clause 3);
- (c) provides a maximum 4 year term of office for part-time members (clause 4);
- (d) requires members to disclose pecuniary interests at meetings (clause 7); and
- (e) allows the Board to transact its business by the circulation of papers or by telephone or closed-circuit television (clause 16).

Proposed Schedule 3 contains provisions relating to the Managing Director and Deputy Managing Director (referred to as “executive officers” in the Schedule). In addition to the usual provisions, the Schedule—

- (a) provides for the appointment of acting executive officers (clause 2);
- (b) provides a maximum 5 year term of office for executive officers (clause 3); and
- (c) excludes the application of the Public Sector Management Act 1988, except Part 8 relating to the removal of statutory officers from office (clause 8).

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**Savings and transitional provisions**

Schedule 1 (12) inserts proposed section 59 into the Principal Act which gives effect to proposed Schedule 4 (inserted by Schedule 1 (14)) containing savings and transitional provisions.

Proposed Schedule 4 provides, in particular—

- (a) that the Waste Management Authority as constituted under the proposed Act is the same legal entity as the Waste Management Authority as previously constituted;
- (b) that the existing members of the Authority are to vacate office; and
- (c) that the existing Director and Deputy Director are to be taken to be appointed as Managing Director and Deputy Managing Director (respectively) of the reconstituted Authority for the remainder of the terms of office for which they were appointed.

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

Schedule 2 to the proposed Act amends certain other Acts as a consequence of the amendments made to the Principal Act by Schedule 1.

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