

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.

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.



Contents

		Page			
Part 1	Preliminary				
	1 Name of Act2 Commencement3 Definitions	2 2 2			
Part 2	Waste Recycling and Processing Corporation				
	 4 Establishment of Waste Recycling and Processing Corporation as statutory SOC 5 Principal objectives of Corporation 6 Functions of Corporation 7 Board of directors 8 Chief executive officer 9 Acting chief executive officer 10 Application of State Owned Corporations Act 1989 	4 4 5 5 7 7 8			

Contents

			Page			
Part 3	Dissolution of Waste Recycling and Processing Service					
	11	Dissolution of Waste Recycling and Processing Service	9			
	12	Corporation is same legal entity as Waste Recycling and Processing Service	9			
	13	Transfer of general assets, rights and liabilities of Waste				
	4.4	Recycling and Processing Service	9			
	14	Transfer of specified assets, rights and liabilities of Waste Recycling and Processing Service	10			
Part 4	Misc	cellaneous				
	15	Waste received by Corporation	11			
	16	Regulations	11			
	17	Repeal Consequential amendments	11 11			
	19	Savings, transitional and other provisions	11			
	20	Review of Act	11			
Schedul	es					
	1	Transfer of assets, rights and liabilities	12			
	2	Transfer of staff of Waste Recycling and Processing Service	15			
	3	Consequential amendments	17			
	4	Savings, transitional and other provisions	20			

This Public Bill, originated in the Legislative Assembly and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

Clerk of the Legislative Assembly. Legislative Assembly,



New South Wales

Waste Recycling and Processing Corporation Bill 2001

Act No , 2001

An Act to establish the Waste Recycling and Processing Corporation as a statutory State owned corporation to exercise certain functions in relation to waste; to dissolve the Waste Recycling and Processing Service of New South Wales; to make consequential amendments to other legislation; and for other purposes.

EXAMINED

Chairman of Committees

Clause 1	Waste Recycling a	and Processing	Corporation	Bill 2001

Part 1	Preliminary
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The I	∠egisl	ature of New South Wales enacts:	1
Part	1 I	Preliminary	2
1	Nar	ne of Act	3
		This Act is the Waste Recycling and Processing Corporation Act 2001.	4 5
2	Cor	mmencement	6
		This Act commences on a day or days to be appointed by proclamation.	7 8
3	Def	initions	9
	(1)	In this Act:	10
		assets means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents.	11 12 13 14
		<i>Corporation</i> means the statutory State owned corporation constituted by this Act.	15 16
		<i>energy recovery</i> means a process by which energy, such as heat, electrical energy or kinetic energy, is recovered in a useful form from waste.	17 18 19
		exercise a function includes perform a duty.	20
		function includes a power, authority or duty.	21
		<i>liabilities</i> means any liabilities, debts or obligations (whether present or future and whether vested or contingent).	22 23
		<i>Ministerial Holding Corporation</i> means the Ministerial Holding Corporation constituted under section 37B of the <i>State Owned Corporations Act 1989</i> .	24 25 26
		<i>rights</i> means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent).	27 28
		secondary resource means any resource (including energy in any useful form) that is recovered from waste as a result of secondary resource recovery	29 30

	secondary resource facility means any premises used for secondary resource recovery.	1 2
	secondary resource recovery means a process by which a resource is	3
	recovered from waste, such as by re-using, recycling or reprocessing waste, and includes energy recovery.	4 5
	waste has the same meaning as in the Protection of the Environment	6
	Operations Act 1997.	7
	waste facility means any premises used for the reprocessing, sorting or	8
	disposal of waste, and includes a landfill site.	9
	Waste Recycling and Processing Service means the corporation	10
	constituted by the Waste Recycling and Processing Service Act 1970	11
	with the name "Waste Recycling and Processing Service of New South	12
	Wales".	13
2)	Words and expressions used in this Act and also the State Owned	14
	Corporations Act 1989 have the same meanings in this Act as they	15
	have in that Act.	16

Part 2 Waste Recycling and Processing Corporation

4		ablishn utory \$	nent of Waste Recycling and Processing Corporation as	2 3
	(1)		is constituted by this Act a corporation with the corporate name aste Recycling and Processing Corporation.	4 5
	(2)	Sched	tate Owned Corporations Act 1989 is amended by inserting in lule 5, in alphabetical order, the words "Waste Recycling and ssing Corporation".	6 7 8
5	Prin	cipal c	objectives of Corporation	9
	(1)	The p	rincipal objectives of the Corporation are as follows:	10
		(a) (b)	 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, to protect the environment by conducting its operations in compliance with the principles of ecologically sustainable development contained in section 6 (2) of the <i>Protection of the Environment Administration Act 1991</i>, to exhibit a sense of responsibility towards regional 	11 12 13 14 15 16 17 18 19 20 21 22 23
		(C)	development and decentralisation in the way in which it operates,	24 25
		(d)	to provide and manage efficient, safe and reliable waste facilities, secondary resource facilities and related facilities,	26 27
		(e)	to be an efficient and responsible provider of waste management services, secondary resource recovery services and related services,	28 29 30
		(f)	to minimise any adverse health and environmental impacts of its activities and services relating to waste management and secondary resource recovery.	31 32 33
	(2)		of the principal objectives of the Corporation is of equal tance.	34 35

	(3)	The provisions of section 20E of the <i>State Owned Corporations Act 1989</i> do not apply to the Corporation.	1 2
	(4)	The annual report of the Corporation under the <i>State Owned Corporations Act 1989</i> must include an assessment by the Auditor-General of the Corporation's performance in achieving the objective referred to in subsection (1) (a) (i).	3 4 5 6
6	Fun	ctions of Corporation	7
	(1)	The Corporation has the functions conferred or imposed on it by or under this or any other Act or law.	8
	(2)	The principal functions of the Corporation are:	10
		(a) to establish, maintain and operate waste facilities, secondary resource facilities and related facilities, and	11 12
		(b) to conduct businesses or provide services relating to waste, and secondary resource recovery, and	13 14
		(c) to provide waste management services, secondary resource management services and related services, and	15 16
		(d) to research, develop and implement alternative technologies for managing waste, and	17 18
		(e) to trade in waste and secondary resources.	19
	(3)	The Corporation may also:	20
		(a) provide any facilities or services that are ancillary or incidental to its principal functions, and	21 22
		(b) conduct any business or provide any service (whether or not related to its principal functions) that it considers will further its objectives.	23 24 25
7	Boa	rd of directors	26
	(1)	The Corporation is to have a board of directors.	27
	(2)	The board is to consist of:	28
		 (a) one director appointed by the voting shareholders on the recommendation of a selection committee comprising: (i) 2 persons nominated by the portfolio Minister, and 	29 30 31

Part 2

		(ii)	2 persons South Wale	nominated es,	by the Lab	or Council	of New	1 2
			a person sens nominated				anel of 3	3 4
	(b)		st 3 and not a voting share ter.					5 6 7
(3)	The cl	hief ex	ecutive offic	er may be a	ppointed as	a director.		8
(4)	of sub other i	osection matters	res for constint (2) (a), for strelating to the constructions or (subtraction).	r making no he selection	ominations process are	and for determent	ermining nined by	9 10 11 12 13
(5)	directe	or's ins ted by t	irectors refer strument of a the voting sha	ppointment	or in and b	y another in	strument	14 15 16 17
(6)	out in	Part 4	accountable of the <i>State</i> of the Corpo	Owned Co				18 19 20
(7)	from only a that exbecome	office a at a dul vent, the ne vaca	shareholders at any time for the office of the part of	or any or no meeting of the director	reason and the voting s or chairper	l without no hareholders son is taken	otice (but) and, in to have	21 22 23 24 25 26
(8)		989 has	bsection (9), s effect with					27 28 29
(9)	Act 15 Sched	989, ar	ons of section of clauses to that Act,	s 2 (1) and	(2), 4 and	7 (1) (d) ar	d (2) of	30 31 32 33

8	Chief executive officer					
	(1)	The chief executive officer of the Corporation is to be appointed by the board after consultation with the voting shareholders and the portfolio Minister.	2 3 4			
	(2)	The board may remove a person from office as chief executive officer, at any time, for any or no reason and without notice, but only after consultation with the voting shareholders and the portfolio Minister.	5 6 7			
	(3)	The chief executive officer is entitled to be paid such remuneration (including travelling and subsistence allowances) as the board may determine.	8 9 10			
	(4)	The board may, after consultation with the voting shareholders, fix the conditions of employment of the chief executive officer in so far as they are not fixed by or under any other Act or law.	11 12 13			
	(5)	The <i>Public Sector Management Act 1988</i> (Part 8 included) does not apply to the chief executive officer.	14 15			
	(6)	Subject to subsection (7), Schedule 9 to the <i>State Owned Corporations Act 1989</i> has effect with respect to the chief executive officer.	16 17			
	(7)	The provisions of section 20K of the <i>State Owned Corporations Act</i> 1989, and of clauses 2, 3 and 6 of Schedule 9 to that Act, do not apply to the chief executive officer.	18 19 20			
9	Acti	ing chief executive officer	21			
	(1)	The board may, from time to time, appoint a person to act in the office of chief executive officer during the illness or absence of the chief executive officer.	22 23 24			
	(2)	The board may remove a person from office as acting chief executive officer, at any time, for any or no reason and without notice.	25 26			
	(3)	A person, while acting in the office of chief executive officer:	27			
		(a) has all the functions of the chief executive officer and is taken to be the chief executive officer, and	28 29			
		(b) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the board may determine.	30 31			
	(4)	For the purposes of this section, a vacancy in the office of a chief executive officer is regarded as an absence from office.	32 33			
	(5)	Clause 5 of Schedule 9 to the <i>State Owned Corporations Act 1989</i> does not apply to an acting chief executive officer of the Corporation.	34 35			

Clause	10 Waste Recycling and Processing Corporation Bill 2001
Part 2	Waste Recycling and Processing Corporation
10	Application of State Owned Corporations Act 1989
	The provisions of this Part are in addition to and (except to the extent to which this Part provides) do not derogate from the provisions of the <i>State Owned Corporations Act 1989</i> .

Part	3 I	Dissolution of Waste Recycling and Processing	1
	,	Service	2
11	Dis	solution of Waste Recycling and Processing Service	3
	(1)	The Waste Recycling and Processing Service is dissolved.	4
	(2)	The following Schedules have effect:	5
		(a) Schedule 1 (Transfer of assets, rights and liabilities),	6
		(b) Schedule 2 (Transfer of staff of Waste Recycling and Processing Service).	7 8
12		rporation is same legal entity as Waste Recycling and Processing vice	9
	(1)	On the dissolution of the Waste Recycling and Processing Service, the Corporation is taken for all purposes, including the rules of private international law, to be a continuation of, and the same legal entity as, the Waste Recycling and Processing Service.	11 12 13 14
	(2)	This section does not affect any transfer of assets, rights and liabilities under section 13 or 14.	15 16
13		nsfer of general assets, rights and liabilities of Waste Recycling and ocessing Service	17 18
	(1)	The general assets, rights and liabilities of the Waste Recycling and Processing Service are transferred to the Corporation.	19 20
	(2)	The general assets, rights and liabilities of the Waste Recycling and Processing Service are the assets, rights and liabilities of the Waste Recycling and Processing Service immediately before its dissolution by this Act, except any assets, rights and liabilities transferred by an order under section 14.	21 22 23 24 25
	(3)	Schedule 1 applies to the transfer effected by this section	26

Part 3	Dissolution of Waste Recycling and Processing Service	
14	Transfer of specified assets, rights and liabilities of Waste Recycling and Processing Service	1 2
	(1) The Minister with the approval of the Treasurer may, at any time	3
	before the dissolution of the Waste Recycling and Processing Service,	4
	by order in writing, transfer such assets, rights and liabilities of the	5
	Waste Recycling and Processing Service as are specified or referred to	6
	in the order to the Ministerial Holding Corporation or to any other	7
	person acting on behalf of the State.	8
	(2) Schedule 1 applies to a transfer under this section.	9

Clause 14

111	Recycling a	D	:		D:II 0004
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Clause 15

Miscellaneous	Part 4

Part	4 I	Miscellaneous	1
15	Wa	ste received by Corporation	2
		Any waste received at a waste facility of the Corporation is the property of the Corporation.	3
16	Reg	gulations	5
		The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	6 7 8 9
17	Rep	peal	10
		The Waste Recycling and Processing Service Act 1970 is repealed.	11
18	Cor	nsequential amendments	12
		Each Act and Regulation specified in Schedule 3 is amended as set out in that Schedule.	13 14
19	Sav	rings, transitional and other provisions	15
		Schedule 4 has effect.	16
20	Rev	riew of Act	17
	(1)	The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.	18 19 20
	(2)	The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.	21 22
	(3)	A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.	23 24

Schedule		le 1	Transfer of assets, rights and liabilities	1
			(Sections 11, 13 and 14)	2
1	Арр	olicatio	n and interpretation	3
	(1)		Schedule applies to any transfer of assets, rights or liabilities section 13 or 14.	4 5
	(2)	liabili	s Schedule, the person or body from which any assets, rights or ties are transferred is called the <i>transferor</i> and the person or body ich they are transferred is called the <i>transferee</i> .	6 7 8
2	Ves	ting of	undertaking in transferee	9
	(1)		any assets, rights or liabilities are transferred by a transfer to a this Schedule applies, the following provisions have effect:	10 11
		(a)	the assets of the transferor vest in the transferee by virtue of this clause and without the need for any further conveyance, transfer, assignment or assurance,	12 13 14
		(b)	the rights or liabilities of the transferor become by virtue of this clause the rights or liabilities of the transferee,	15 16
		(c)	all proceedings relating to the assets, rights or liabilities commenced before the transfer by or against the transferor or a predecessor of the transferor and pending immediately before the transfer are taken to be proceedings pending by or against the transferee,	17 18 19 20 21
		(d)	any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of the transferor or a predecessor of the transferor is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the transferee,	22 23 24 25 26 27
		(e)	a reference in any Act, in any instrument made under any Act or in any document of any kind to the transferor or a predecessor of the transferor is (to the extent to which it relates to those assets, rights or liabilities) taken to include a reference to the transferee.	28 29 30 31 32

	(2)	The o	operation of this clause is not to be regarded:	1
		(a)	as a breach of contract or confidence or otherwise as a civil wrong, or	2
		(b)	as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or	5 6
		(c)	as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.	7 8 9 10
	(3)		operation of this clause is not to be regarded as an event of default r any contract or other instrument.	11 12
	(4)	No a requi	attornment to the transferee by a lessee from the transferor is red.	13 14
	(5)		nsfer is subject to the terms and conditions of the order by which effected.	15 16
	(6)	a trar	ompensation is payable to any person or body in connection with asfer to which this Schedule applies except to the extent (if any) nich the order giving rise to the transfer so provides.	17 18 19
3	Dat	e of ve	esting	20
		order	order under section 14 takes effect on the date specified in the r, being a date on or before the dissolution of the Waste Recycling Processing Service.	21 22 23
4	Cor	nsidera	ation for vesting	24
		whic	Minister may, by order in writing, specify the consideration on h a transfer to which this Schedule applies is made and the value lues at which the assets, rights or liabilities are transferred.	25 26 27
5	Stat	te taxe	es not chargeable	28
		State	tax is not chargeable in respect of:	29
		(a)	a transfer to which this Schedule applies, or	30
		(b)	anything certified by the Minister as having been done in consequence of such a transfer (for example, the transfer or conveyance of an interest in land).	31 32 33

Transfer of assets, rights and liabilities

6	Confirmation of vesting	1
	(1) The Minister may, by notice in writing, confirm a transfer of particular assets, rights or liabilities by operation of this Schedule.	2 3
	(2) Such a notice is conclusive evidence of that transfer.	4

Schedule 1

Sch	edu	le 2 Transfer of staff of Waste Recycling and	1
		Processing Service	2
		(Section 11)	3
1	Def	inition	4
		In this Schedule, <i>former Waste Service staff</i> means the members of staff of the Waste Recycling and Processing Service immediately before the dissolution of the Waste Recycling and Processing Service.	5
2		nsfer of former Waste Service staff to Waste Recycling and ocessing Corporation	8
	(1)	The former Waste Service staff are transferred to the Corporation and are to be regarded for all purposes as having become employees of the Corporation on the day on which the Waste Recycling and Processing Service is dissolved.	10 11 12 13
	(2)	The Waste Recycling and Processing Service is taken to be an authority to which Schedule 4 (Provisions relating to certain staff) of the <i>State Owned Corporations Act 1989</i> applies.	14 15 16
3	Ger	neral saving of conditions of employment	17
	(1)	A person who is transferred under this Schedule is (until other provision is duly made under any Act or law) to be employed in accordance with any relevant statutory provisions, awards, agreements and determinations that would have applied to the person if the person had not been transferred but had instead remained on the staff of the Waste Recycling and Processing Service (and the Waste Recycling and Processing Service had continued in existence).	18 19 20 21 22 23 24
	(2)	However, nothing in this clause affects the application of section 36 (1) of the <i>State Owned Corporations Act 1989</i> to the Corporation. Accordingly, the <i>Government and Related Employees Appeal Tribunal Act 1980</i> does not apply to the Corporation or any subsidiary of the Corporation.	25 26 27 28 29

Schedule 2	
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Transfer of staff of Waste Recycling and Processing Service

4	Sav	ing of leave	1
		A member of the staff of the Corporation who is a member of the	2
		former Waste Service staff retains any rights to annual leave, extended	3
		service leave, sick leave, and other forms of leave, accrued or accruing	4
		in his or her employment with the Waste Recycling and Processing	5
		Service.	ϵ
5	No	payment out on transfer or dual benefits	7
	(1)	This clause applies to a person who becomes, because of this	8
	` /	Schedule, a member of the staff of the Corporation.	9
	(2)	A person to whom this clause applies is not entitled to receive any	10
		payment or other benefit merely because the person ceases to be a	11
		member of the staff of the Waste Recycling and Processing Service.	12
	(3)	A person to whom this clause applies is not entitled to claim, both	13
	. ,	under this Act and under any other Act, dual benefits of the same kind	14
		for the same period of service.	15

Sch	edule 3 Consequential amendments	1
	(Section 18)	2
3.1	Environmentally Hazardous Chemicals Act 1985 No 14	3
	Schedule 1 Provisions relating to the Committee	4
	Omit "Waste Recycling and Processing Service" from clause 2 (f). Insert instead "Waste Recycling and Processing Corporation".	5
3.2	First State Superannuation Act 1992 No 100	7
	Schedule 1 Employers	8
	Omit "Waste Recycling and Processing Service" from Part 1. Insert instead "Waste Recycling and Processing Corporation".	9 10
3.3	Land and Environment Court Act 1979 No 204	11
	Section 20 Class 4—environmental planning and protection and development contract civil enforcement	12 13
	Omit "Waste Recycling and Processing Service Act 1970" from section 20 (3) (a).	14 15
	Insert instead "Waste Recycling and Processing Corporation Act 2001".	16

3.4	Public Authorities (Financial Arrangements) Regulation 2000	1
	Schedule 2 Authorities having Part 3 investment powers	2
	Insert in alphabetical order:	3
	Waste Recycling and Processing Corporation	4
3.5	Public Finance and Audit Act 1983 No 152	5
	Schedule 2 Statutory bodies	6
	Omit "Waste Recycling and Processing Service".	7
3.6	Public Sector Management Act 1988 No 33	8
[1]	Schedule 3 Declared authorities	9
	Omit "Waste Recycling and Processing Service of New South Wales".	10
[2]	Schedule 3A Chief executive positions	11
	Omit "Managing Director of the Waste Recycling and Processing Service of New South Wales" from Part 3.	12 13
[3]	Schedule 3B Senior executive positions	14
	Omit the matter relating to the Waste Recycling and Processing Service from Part 1.	15 16
3.7	State Authorities Superannuation Act 1987 No 211	17
	Schedule 1 Employers	18
	Omit "Waste Recycling and Processing Service" from Part 1.	19
	Insert instead "Waste Recycling and Processing Corporation".	20

3.8	Superannuation Act 1916 No 28	1
[1]	Schedule 3 List of employers	2
	Omit "Waste Recycling and Processing Service" from Part 1. Insert instead "Waste Recycling and Processing Corporation".	3 4
[2]	Schedule 26	5
	Omit "Waste Recycling and Processing Service" from Part 1. Insert instead "Waste Recycling and Processing Corporation".	6 7

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>(r	man	пω	4

Savings, transitional and other provisions

Sch	edu	le 4	Savings, transitional and other provisions	1
			(Section 19)	2
Part	1 I	Prelii	minary	3
1	Reg	julatio	ns	4
	(1)		regulations may contain provisions of a savings or transitional re consequent on the enactment of the following Acts:	5 6
		Wast	e Recycling and Processing Corporation Act 2001	7
	(2)		such provision may, if the regulations so provide, take effect from ate of assent to the Act concerned or a later date.	8
	(3)	is ear	the extent to which any such provision takes effect from a date that the clier than the date of its publication in the Gazette, the provision not operate so as:	10 11 12
		(a)	to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	13 14 15
		(b)	to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	16 17 18
Part	2 I	Provi	isions consequent on enactment of Waste	19
	ŀ	Recy	cling and Processing Corporation Act 2001	20
2	Def	inition		21
		In thi	is Part:	22
		Recy	the Recycling and Processing Service Board means the Waste cling and Processing Service Board constituted under the Waste cling and Processing Service Act 1970.	23 24 25

3	Board of Waste Recycling and Processing Service		
	(1)	A person who, immediately before the dissolution of the Waste Recycling and Processing Service, held office as a member of the Waste Recycling and Processing Service Board (including the Managing Director of the Waste Recycling and Processing Service)	2 3 4 5
		ceases to hold office as such a member or Managing Director.	6
	(2)	A person who ceases to hold office is not entitled to any remuneration or compensation because of the loss of that office.	7 8
4	Firs	t directors of board	9
	(1)	The members of the Waste Recycling and Processing Service Board become, on the dissolution of the Waste Recycling and Processing Service, directors of the board of the Corporation for the residue of their terms of office as, and subject to the same conditions (including conditions as to remuneration) as those of their appointment as, members of the Waste Recycling and Processing Service Board.	10 11 12 13 14 15
	(2)	The office of such a director becomes vacant in the circumstances specified in section 7 (7) of this Act or clause 7 (1) of Schedule 8 to the <i>State Owned Corporations Act 1989</i> (clause 7 (1) (d) excepted).	16 17 18
	(3)	This clause does not apply in respect of the Managing Director of the Waste Recycling and Processing Service.	19 20
5	Firs	t chief executive officer	21
	(1)	The Managing Director of the Waste Recycling and Processing Service is taken, on the dissolution of the Waste Recycling and Processing Service, to have been appointed as the chief executive officer of the Corporation for the residue of his or her term of office as Managing Director of the Waste Recycling and Processing Service.	22 23 24 25 26
	(2)	The other provisions of section 8 apply to a chief executive officer taken to be appointed under this clause.	27 28
6	Spe	cial provisions relating to former senior executive officers	29
	(1)	This clause applies to a person to whom Schedule 2 or clause 4 of this Schedule applies who held an executive position under Part 2A of the <i>Public Sector Management Act 1988</i> immediately before the dissolution of the Waste Recycling and Processing Service.	30 31 32 33

Schedule 4	Savings,	transitional	and	other	provision	S
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	(2)	Any such person it not entitled to exercise a right of return to the public sector under section 42R, or to seek compensation under section 42S, of the <i>Public Sector Management Act 1988</i> :	1 2 3
		(a) on ceasing to hold the executive position on the dissolution of the Waste Recycling and Processing Service, or	4 5
		(b) on ceasing to be employed by the Corporation.	6
	(3)	This clause applies despite anything to the contrary in this Act.	7
7	Con	tinuation of criminal proceedings against Waste Recycling and cessing Service	8
	(1)	Proceedings for an offence against a law of New South Wales that were instituted against the Waste Recycling and Processing Service before its dissolution, or that could have been instituted against the Waste Recycling and Processing Service but for its dissolution, may be continued or instituted against the Corporation.	10 11 12 13 14
	(2)	A penalty notice served on the Waste Recycling and Processing Service for an offence against a law of New South Wales or any amount paid by the Waste Recycling and Processing Service in respect of such a penalty notice:	15 16 17 18
		(a) is taken to be a penalty notice served on the Corporation, or	19
		(b) is taken to be an amount paid by the Corporation,	20
		as the case requires.	21