

WASTE DISPOSAL (AMENDMENT) ACT 1989 No. 30

NEW SOUTH WALES



TABLE OF PROVISIONS

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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**

Waste Disposal (Amendment) 1989

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.

Waste Disposal (Amendment) 1989

 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;

Waste Disposal (Amendment) 1989

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.

*Waste Disposal (Amendment) 1989***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.”.

Waste Disposal (Amendment) 1989

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;

Waste Disposal (Amendment) 1989

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*]





WASTE DISPOSAL (AMENDMENT) BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Waste Disposal Act 1970 so as—

- (a) to authorise the Metropolitan Waste Disposal Authority to construct and operate a high temperature waste incineration facility for the disposal of intractable and other wastes generated anywhere within Australia; and
- (b) to change the name of the Authority as a consequence of its wider role to the Waste Management Authority of New South Wales.

The Bill makes consequential amendments to a number of other Acts.

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.

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.

SCHEDULE 1—AMENDMENT OF WASTE DISPOSAL ACT 1970

High temperature waste incineration facility

Schedule 1 (7) provides that, in addition to the Authority's present responsibility for the disposal of waste in the metropolitan area, the Authority is to be responsible for constructing and operating a high temperature waste incineration facility for the disposal of intractable and other wastes in accordance with proposed Part 4A.

Schedule 1 (8) inserts into the Principal Act a new Part 4A relating to the Authority's incineration facility. The Part contains the following proposed sections:

Waste Disposal (Amendment) 1989

Section 21A defines "intractable waste" as waste which should be disposed of by high temperature incineration.

Section 21B authorises the Authority to construct and operate an incineration facility for the disposal of intractable waste and also any other waste which (in the opinion of the Authority) would not otherwise be disposed of by the most environmentally acceptable method. The section makes it clear that the construction and operation of the facility is subject to the Environmental Planning and Assessment Act 1979.

Section 21C provides that the Authority's incineration facility may be used for the disposal of intractable or other waste generated anywhere within Australia (but not waste generated outside Australia).

Section 21D establishes an Incineration Facility Advisory Board (with government and community representation) to monitor the operation of the facility.

Section 21E requires the Authority to keep separate financial accounts for, and make separate reports on, the incineration facility.

Schedule 1 (10) authorises the Authority to impose charges and fees for the use of its incineration facility.

Schedule 1 (12) authorises the making of regulations relating to the treatment, storage or disposal of intractable and other wastes referred to in proposed section 21B.

Schedule 1 (1) (b), (2), (3) (b), (9) and (11) make other consequential amendments.

Change of name of Authority

Schedule 1 (5) changes the name of the Metropolitan Waste Disposal Authority to the Waste Management Authority of New South Wales.

Schedule 1 (1) (a), (3) (a), (4) and (6) make other consequential changes.

SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF OTHER ACTS

The Schedule amends a number of Acts as a consequence of the proposed change in the Authority's name.

WASTE DISPOSAL (AMENDMENT) BILL 1989

NEW SOUTH WALES

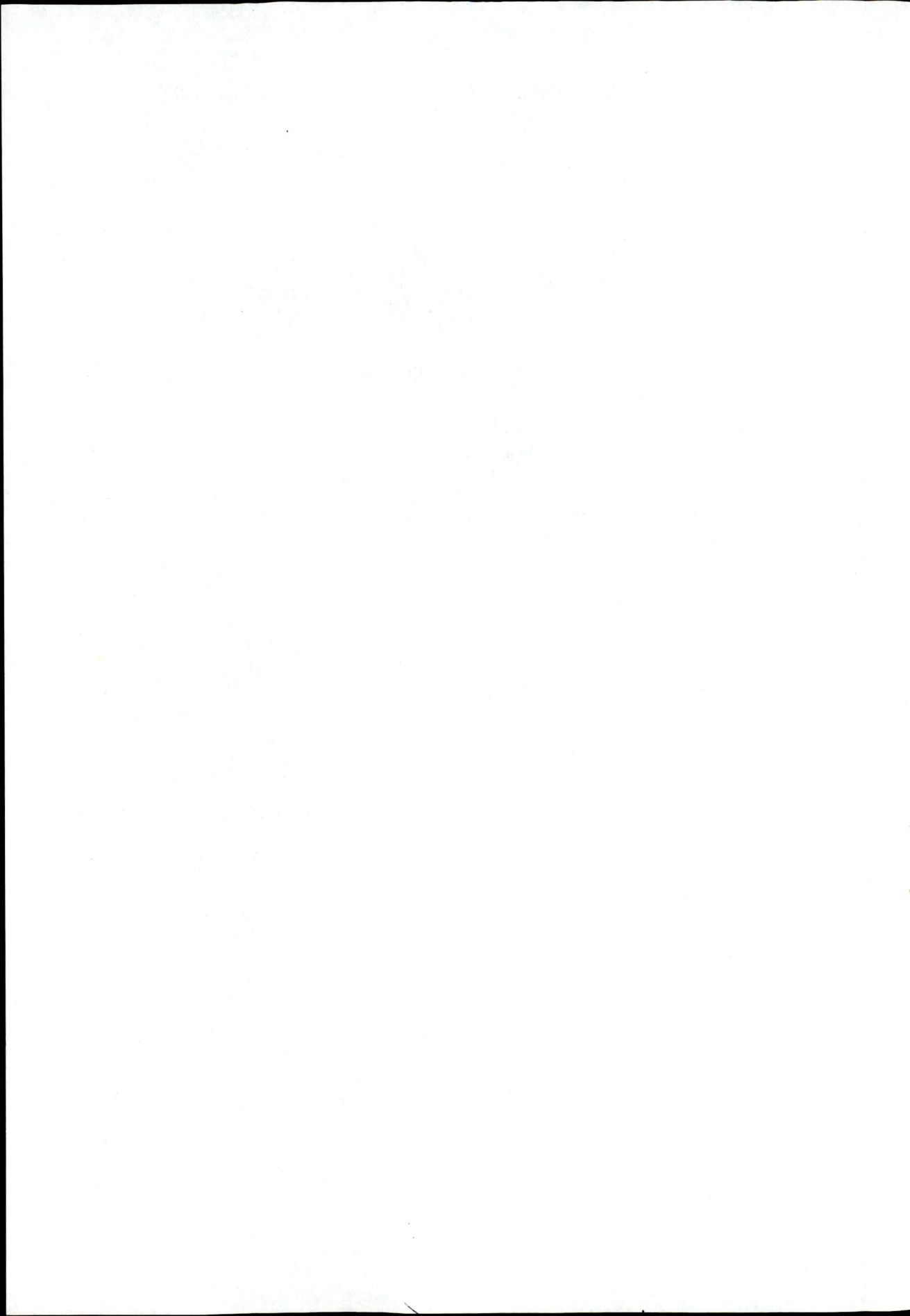


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1. Short title
2. Commencement
3. Amendment of Waste Disposal Act 1970 No. 97
4. Consequential amendment of other Acts

SCHEDULE 1—AMENDMENT OF WASTE DISPOSAL ACT 1970

SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF OTHER ACTS



WASTE DISPOSAL (AMENDMENT) BILL 1989

NEW SOUTH WALES



No. , 1989

A BILL FOR

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.

*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**

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”.

5 (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:

10 (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.

15 (8) Part 4A—

After Part 4, insert:

**PART 4A—HIGH TEMPERATURE WASTE INCINERATION
FACILITY**

Definition of “intractable waste”

20 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 Authority, high temperature
incineration.

25 **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;

30 (b) waste which, in the opinion of the Authority, would not
otherwise be disposed of by the most environmentally
acceptable means and should be disposed of by
incineration.

35 (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 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.

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 appointed by the Minister to represent the persons employed at the incineration 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; and
- (i) a person appointed by the Minister to represent the local community in which the incineration facility is or is to be located.

(2) 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.

SCHEDULE 1—AMENDMENT OF WASTE DISPOSAL ACT 1970—
continued

(3) 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.

5 (4) 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

10 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)—

20 Omit the subparagraph.

(10) Section 46 (**Charges and fees**)—

(a) After section 46 (1) (a), insert:

(a1) receives waste at its incineration facility;

(b) Section 46 (2)—

25 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**)—

30 (a) Section 58 (1) (a)—

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

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

35 (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;

Waste Disposal (Amendment) 1989

 SCHEDULE 1—AMENDMENT OF WASTE DISPOSAL ACT 1970—
continued

(c) Section 58 (2) (b)—

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

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

5

(Sec. 4)

Environmental Planning and Assessment Act 1979 No. 203—

Schedule 2 (**Advisory Co-ordinating Committee**)—

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

Environmentally Hazardous Chemicals Act 1985 No. 14—

Schedule 1 (**Provisions Relating to the Committee**)—

Clause 2 (f)—

Omit “Metropolitan Waste Disposal Authority”, insert instead
 15 “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
 20 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**)—

- 25 (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**)—

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

Waste Disposal (Amendment) 1989

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

State Pollution Control Commission Act 1970 No. 95—

Section 18 (**Technical Advisory Committee**)—

Section 18 (2) (i)—

Omit the paragraph, insert instead:

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

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

Schedule 2 (**Public Offices**)—

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