

2016

**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

WASTE MANAGEMENT AND RESOURCE RECOVERY BILL 2016

SUPPLEMENTARY EXPLANATORY STATEMENT

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WASTE MANAGEMENT AND RESOURCE RECOVERY BILL 2016

Overview

The purpose of the Waste Management and Resource Recovery Bill 2016 is to promote and reward responsible practices in waste management and resource recovery. The Bill has been developed following extensive industry and community consultation.

This Supplementary Explanatory Statement addresses proposed amendments to the Bill that are of a minor and technical nature.

Amendment 1 – Proposed new Part 9A

The principal purpose of this new Part is to correct a possible deficiency in the power to make regulations of general application to the storage, collection and disposal of waste.

There is a clear power to make regulations in relation to the “waste management activity” of waste businesses. A series of refinements to the draft Bill has possibly weakened the power to make regulations relating to the storage and collection of waste in the broader community.

The content of Part 3 of the existing *Waste Minimisation Act 2001*, which relates to general “garbage disposal”, was intended to be reflected, with refinements, in this legislation. The intention was to recreate those provisions in the form of regulations under the new Act.

Amendment 1 provides a clear power to make regulations relating generally to the storage, collection and disposal of waste.

While this amendment introduces a new Part 9A to the Bill, it is a technical change to restore clarity in relation to the power to make regulations about ordinary waste containment and collection.

Amendments 2, 3 and 4 – Dictionary, definitions of “store”, “waste” and “waste collection service”

Amendments 2, 3 and 4 are technical amendments to update the Dictionary, to include references to new definitions inserted by clause 62A.

CLAUSE NOTES

AMENDMENT 1 PROPOSED NEW PART 9A

Clause 62A Definitions – pt 9A

This new clause provides definitions for Part 9A. For Part 9A:

“store” includes “keeping” waste, so that regulations can extend to the placement of ordinary “rubbish” in bins for collection and disposal.

“waste” does not include sewage or a thing prescribed by a regulation.

“waste collection service” is defined so that the power in clause 62B, to establish and manage a waste collection service, clearly relates to services such as a kerbside waste collection service provided by contractors on behalf of the ACT Government.

Clause 62B Waste collection service

Clause 62B clarifies the power of the Waste Manager to establish a waste collection service, and the power of the Executive to make regulations for that purpose. The clause is an altered version of provisions from Part 3 of the *Waste Minimisation Act 2001*, and is included to strengthen the power to make regulations for the storage, collection and disposal of waste.

Subclause 62B(1) empowers the Waste Manager to establish a waste collection service. Any relevant regulation must be complied with. It also provides a power to direct that waste be taken to a particular kind of facility.

Subclause 62B(2) sets out a range of matters relating to the storage, collection and disposal of waste that may be addressed in regulations. This subclause clarifies the power to make general waste-related regulations.

AMENDMENT 2 DICTIONARY, PROPOSED NEW DEFINITION OF STORE

This amendment updates the Dictionary to include a reference to the definition of “store” in new Clause 62A.

AMENDMENT 3 DICTIONARY, DEFINITION OF WASTE

This amendment updates the Dictionary definition of “waste” to include a reference to the definition of “waste” in new Clause 62A.

**AMENDMENT 4 DICTIONARY, PROPOSED NEW DEFINITION OF
WASTE COLLECTION SERVICE**

This amendment updates the Dictionary to include a reference to the definition of “waste collection service” in new Clause 62A.