Australian Capital Territory

Waste Management and Resource Recovery (Waste Manager) Delegation 2019

**Notifiable Instrument NI2019-759**

made under the

Waste Management and Resource Recovery Act 2016, section 123 (Delegation)

**1 Name of instrument**

This instrument is the *Waste Management and Resource Recovery (Waste Manager) Delegation 2019*.

**2 Commencement**

This instrument commences on the day after it is signed.

**3 Delegation of Powers**

1. I delegate to the person(s) occupying from time to time the public service positions specified in column 3 of Schedule 1 to this instrument, my functions under the provisions of the *Waste Management and Resource Recovery Act 2016* and the *Waste Management and Resource Recovery Regulation 2017* in the corresponding row of columns 1 and 2.
2. I delegate to the person occupying from time to time the public service position E1054, my functions as the Waste Manager under the *Waste Management and Resource Recovery Act 2016* and the *Waste Management and Resource Recovery Regulation 2017.*

*Note The Legislation Act 2001 defines ‘occupy’ in relation to a position, to include hold the position, act in the position or exercise the functions of the position.*

**4 Revocation**

This instrument revokes the *Waste Management and Resource Recovery Delegation 2018 (No 1)* NI2018-317.

Jim Corrigan

Deputy Director-General, Transport Canberra and City Services

Waste Manager

 29 November 2019

Schedule 1

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| ***Waste Management and Resource Recovery Act 2016*** |
| COLUMN 1 | COLUMN 2 | COLUMN 3 |
| SECTION | SHORT DESCRIPTION | DELEGATED OFFICER |
| 20 (1) | Power to require (by written notice) an applicant for a waste facility licence to supply more information | Position Number P37979Position Number P39832 |
| 20 (2) | Power to refuse further consideration of waste facility licence application if more information not provided | Position Number P37979 |
| 22 (1) (a) | Power to approve an application for a waste facility licence | Position Number P37979Position Number P39832 |
| 22 (1) (b) | Power to refuse an application for a waste facility licence | Position Number P37979 |
| 22 (4) | Power to provide reasons for refusal of waste facility licence to applicant | Position Number P37979 |
| 22 (5) | Power to issue waste facility licence, and tell applicant form and manner of fee payable | Position Number P37979Position Number P39832 |
| 23 | Power to impose a condition on a waste facility licence | Position Number P37979Position Number P39832 |
| 25 (1) | Power to keep a register of waste facility licences | Position Number P37979Position Number P39832 |
| 25 (2), (3) | Power to include information in register, correct an error or omission in register, and keep register accurate and up-to-date | Position Number P37979Position Number P39832 |
| 25 (4) | Power to make register available to person | Position Number P37979 |
| 32 (1) | Power to require (by written notice) an applicant for a waste transporter registration to supply more information | Position Number P37979Position Number P39832 |
| 32 (2) | Power to refuse further consideration of waste transporter registration application if more information not provided | Position Number P37979 |
| 34 (1) (a) | Power to approve an application for waste transporter registration | Position Number P37979Position Number P39832 |
| 34 (1) (b)  | Power to refuse an application for waste transporter registration | Position Number P37979 |
| 37 (1) | Power to keep a register of registered waste transporters | Position Number P37979Position Number P39832 |
| 34 (3) | Power to provide reasons for refusal of waste transporter registration to applicant | Position Number P37979 |
| 34 (4) | Power to issue waste transporter registration, and tell applicant form and manner of fee payable | Position Number P37979Position Number P39832 |
| 34A | Power to impose a condition on a waste transporter registration | Position Number P37979Position Number P39832 |
| 37 (2), (3) | Power to include information in register, correct error or omission in register, and keep register accurate and up-to-date | Position Number P37979Position Number P39832 |
| 37 (4) | Power to make register available to person | Position Number P37979 |
| 39 (1) | Power to approve a GPS tracking device for s40 | Position Number P37979 |
| 40 (2) | Power to require (by written notice) a registered waste transporter to install, use, maintain, and not tamper with an approved GPS tracking device on a vehicle | Position Number P37979 |
| 44 | Power to consider regulatory action against a licensee or registered waste transporter  | Position Number P37979 |
| 45 (1) | Power to notify (by written notice) a person of proposed regulatory action against them – ‘notice to ‘show cause’ | Position Number P37979 |
| 45 (2) | Power to consider submissions received in response to ‘show cause’ notice in s.45(1) | Position Number P37979 |
| 46 (2) (a)  | Power to take regulatory action by imposing or amending a licence or registration condition | Position Number P37979 |
| 46 (2) (b), (c), (d) | Power to take regulatory action by suspending or cancelling a licence or registration or disqualifying a person from applying for a licence or registration | Position Number P37979 |
| 47 (2) | Power to give written notice to person notifying them that regulatory action against them will not be taken and why | Position Number P37979 |
| 48 (2) | Power to give notice of immediate suspension of licence/registration if there is a risk to public safety | Position Number P37979 |
| 51 (2), (3) | Power to return an amended or suspended licence to a licensee | Position Number P37979 |
| 52 (1) | Power to require a financial assurance | Position Number P37979 |
| 53 (1) | Power to give written notice of intention to require financial assurance | Position Number P37979 |
| 54 | Power to cancel licence if financial assurance not provided | Position Number P37979 |
| 55 (2) | Power to claim on a financial assurance | Position Number P37979 |
| 56 (1) | Power to give written notice of intention to claim on financial assurance | Position Number P37979 |
| 58 (2) | Power to give written notice requiring payment of reasonable costs and expenses incurred but not covered by financial assurance | Position Number P37979 |
| 62 (1) | Power to give written notice to direct a person to comply with an approved Code of Practice | Position Number P37979 |
| 64V | Power to approve, refuse, suspend, revoke, or impose conditions on, a container approval | Position Number P37979Position Number P39833 |
| 70 (2) | Power to give a written compliance direction | Position Number P37979 |
| 71(1) | Power to give a written direction relating to stockpiling materials or delivering waste to a named facility | Position Number P37979 |
| 96 (2) | Power to give written notice inviting of a proposed enforceable undertaking | Position Number P37979 |
| 97 (1) | Power to accept proposed enforceable undertaking | Position Number P37979 |
| 98 | Power to keep, correct, update a register of enforceable undertakings | Position Number P37979 |
| 99 (1) | Power to approve withdrawal from an enforceable undertaking | Position Number P37979 |
| 100 (1) | Power to end an enforceable undertaking | Position Number P37979 |
| 127 (1) | Power to approve forms for the Act | Position Number P37979 |

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| ***Waste Management and Resource Recovery Regulation 2017*** |
| COLUMN 1 | COLUMN 2 | COLUMN 3 |
| CLAUSE | SHORT DESCRIPTION | DELEGATED OFFICER |
| 24I | Power to require more information from applicant in respect of an application for an approval of a network arrangement | Position Number P37979Position Number P39833 |
| 24K | Power to approve, refuse, or impose conditions on an approval of, a network arrangement | Position Number P37979Position Number P39833 |
| 24L | Power to amend an approval of a network arrangement  | Position Number P37979Position Number P39833 |
| 24M | Power to suspend or revoke an approval of a network arrangement  | Position Number P37979Position Number P39833 |
| 24R | Power to require more information from applicant in respect of an application for an approval of a collection point arrangement | Position Number P37979Position Number P39833 |
| 24T | Power to approve, refuse, or impose conditions on an approval of, a collection point arrangement | Position Number P37979Position Number P39833 |
| 24U | Power to amend an approval of a collection point arrangement | Position Number P37979Position Number P39833 |
| 24V | Power to suspend or revoke an approval of a collection point arrangement | Position Number P37979Position Number P39833 |
| 25 (2) | Power to exempt person or classes of person from waste reporting requirements | Position Number P37979 |
| 27 | Powers to measure and estimate waste quantities for the purposes waste quantification | Position Number P37979 |