



ANNO VICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1979

No. 49 of 1979

An Act to provide for the management of industrial, commercial, domestic and other waste; to establish the South Australian Waste Management Commission; to define its powers and functions; and for other purposes.

[Assented to 22nd March, 1979]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the "South Australian Waste Management Commission Act, 1979".

Commencement.

2. (1) This Act shall come into operation on a day to be fixed by proclamation.

(2) The Governor may, in a proclamation made for the purposes of subsection (1) of this section, suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Arrangement of Act.

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—ADMINISTRATION

DIVISION I—THE COMMISSION

DIVISION II—THE WASTE MANAGEMENT TECHNICAL COMMITTEE

DIVISION III—OTHER COMMITTEES

DIVISION IV—STAFF OF THE COMMISSION

PART III—WASTE MANAGEMENT

DIVISION I—CONTROL OF DEPOTS

DIVISION II—CONTROL OF COLLECTION AND TRANSPORTATION OF WASTE

DIVISION III—CONTROL OF PRODUCTION OF CERTAIN WASTES

DIVISION IV—PROVISIONS APPLICABLE TO LICENCES GENERALLY

DIVISION V—CONTROL OF UNDESIRABLE PRACTICES

DIVISION VI—ESTABLISHMENT AND MANAGEMENT OF DEPOTS BY THE COMMISSION

PART IV—FINANCIAL PROVISIONS

PART V—MISCELLANEOUS

4. The objects of this Act include the following—

Objects of
this Act.

- (a) to promote effective, efficient, safe and appropriate waste management policies and practices;
 - (b) to reduce the generation of waste;
 - (c) to conserve resources by means of the recycling and reuse of waste and resource recovery;
 - (d) to prevent or minimize impairment to the environment occurring through the management of waste;
 - (e) to encourage the participation of local authorities and private enterprise in overcoming problems of waste management;
- and
- (f) to provide an equitable basis for defraying the costs of waste management.

5. This Act binds the Crown.

Act to bind
the Crown.

6. In this Act, unless the contrary intention appears—

Interpretation.

“authorized person” means a person authorized in writing by the Commission, or the Director, to exercise powers conferred on an authorized person under this Act:

“the Commission” means the South Australian Waste Management Commission:

“council” means a municipal or district council and includes a body (whether corporate or unincorporate)—

- (a) that is, by virtue of any Act, vested with any of the powers of a municipal or district council;

or

- (b) to which any of the powers of a municipal or district council are delegated:

“depot” means any premises or place to which waste is transported, or at which waste is received:

“the Director” means a person for the time being holding or acting in, the office of Director of the Commission:

“occupier”, in relation to premises, means a person who has, either jointly or alone, the possession, or the right to possession, of the premises:

“premises” includes—

(a) any part of premises;

or

(b) land:

“the technical committee” means the Waste Management Technical Committee:

“waste” means any matter or thing (whether in solid, liquid or gaseous form or in any combination of those forms) discarded in the course of any industrial, commercial, domestic or other activities and includes any matter or thing declared by regulation to be waste, but does not include (unless so declared)—

(a) solid or liquid matter normally accepted, or disposed of in a sewerage system;

(b) mining and associated milling wastes and slags;

(c) radio-active wastes;

(d) discharges which are legally disposed of under licence or by other statutory authorization;

(e) emissions of gaseous and associated materials discharged as a result of industrial, commercial, or domestic activities;

(f) any matter or thing excluded by regulation from the ambit of this definition:

“waste management” means any activity consisting of, or related to, the production, collection, storage, transport, treatment or disposal of waste (including the recycling or reuse of waste and resource recovery).

Application
of this Act.

7. (1) Subject to subsection (2) of this Act, this Act shall apply throughout the whole of the State.

(2) The Governor may, by proclamation—

(a) exclude any part of the State from the operation of this Act or any specified provisions of this Act;

(b) exclude any operations or activities of a specified kind from the operation of this Act, or any specified provisions of this Act;

or

(c) exempt any persons of a specified class from the operation of this Act, or any specified provisions of this Act.

(3) The Governor may, by proclamation, vary or revoke a proclamation under subsection (2) of this section.

PART II

PART II

ADMINISTRATION

DIVISION I—THE COMMISSION

DIVISION I

8. (1) There shall be a Commission entitled the “South Australian Waste Management Commission”. Establishment of Commission.

(2) The Commission—

- (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) shall be capable of suing and being sued;
 - (c) shall be capable of acquiring, holding, dealing with and disposing of any interest in real and personal property;
 - (d) shall be capable of acquiring or incurring any other rights or liabilities;
- and
- (e) shall hold all its property for and on behalf of the Crown.

(3) The Commission shall be subject to the control and direction of the Minister.

9. (1) The Commission shall consist of seven members appointed by the Governor of whom— Membership of the Commission.

- (a) one shall be a member of a council selected by the Minister from a panel of three such members nominated by the Local Government Association of South Australia;
 - (b) one shall be an officer of a council selected by the Minister from a panel of three such officers nominated by the Local Government Association of South Australia;
 - (c) two shall be persons actively engaged in some aspect of waste management of whom one shall be selected by the Minister from a panel of three such persons nominated by the South Australian Chamber of Commerce and Industry;
 - (d) one shall be a person selected by the Minister from a panel of three persons nominated by the United Trades and Labor Council of South Australia;
- and
- (e) two shall be persons nominated by the Minister.

(2) Where the Minister, by notice in writing, requests—

- (a) the Local Government Association of South Australia;
 - (b) the South Australian Chamber of Commerce and Industry;
- or

(c) the United Trades and Labor Council of South Australia,

to make a nomination for the purposes of this section, and the body to which the request was addressed fails to make such a nomination within the time allowed in the notice, the Minister may select a person for appointment as a member of the Commission in lieu of a nominee of that body, and a person so selected may then be appointed to membership of the Commission as if he had been nominated by the body to which the request was addressed.

(3) A member of the Commission shall be appointed by the Governor to be the Chairman of the Commission.

10. (1) A member of the Commission shall be appointed—

(a) if he is one of the first appointees to the Commission—for such term of office (not exceeding three years) as the Governor may determine;

and

(b) in any other case—for a term of three years,

and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) A member of the Commission shall be appointed upon such conditions as the Governor may determine.

(3) The Governor may appoint a person to be the deputy of a member of the Commission, and that person while acting in the absence of that member, shall be deemed to be a member of the Commission.

(4) The Governor may remove a member of the Commission from office for—

(a) any breach of, or non-compliance with, the conditions of his appointment;

(b) mental or physical incapacity;

or

(c) dishonourable conduct.

(5) The office of a member of the Commission shall become vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice addressed to the Minister;

(d) he ceases to hold a qualification by virtue of which he was entitled to be appointed as a member of the Commission;

(e) he is absent without leave of the Commission from three consecutive meetings of the Commission;

or

(f) he is removed from office by the Governor pursuant to subsection (4) of this section.

(6) Upon the office of a member of the Commission becoming vacant, a person shall be appointed in accordance with this Act, to the vacant office.

11. A member of the Commission shall be entitled to receive such allowances and expenses as may be determined by the Governor.

Allowances
 for members
 of the
 Commission.

Quorum, etc.

12. (1) Four members of the Commission shall constitute a quorum of the Commission.

(2) The Chairman of the Commission shall preside at a meeting of the Commission at which he is present and, in the absence of the Chairman from a meeting, the members present at that meeting shall decide who is to preside at that meeting.

(3) A decision carried by a majority of the votes of the members of the Commission present at a meeting, shall be a decision of the Commission.

(4) Each member of the Commission shall be entitled to one vote on a matter arising for determination by the Commission.

(5) The Commission shall cause accurate minutes to be kept of the business conducted at meetings of the Commission.

(6) Subject to this Act, the business of the Commission shall be conducted in a manner determined by the Commission.

13. An Act or proceeding of the Commission shall not be invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the appointment of a member, an act or proceeding of the Commission shall be as valid and effectual as if the member had been duly appointed.

Validity of
acts of the
Commission.

14. (1) A member of the Commission who has any direct or indirect financial interest in any matter before the Commission—

Disclosure
of interest.

(a) shall as soon as he becomes aware of the interest, disclose the nature of his interest to the Commission;

and

(b) shall not take part in any deliberations or decision of the Commission with respect to that matter.

Penalty: Five hundred dollars.

(2) Subsection (1) of this section does not apply in respect of an interest that exists only by virtue of the fact that a member is an employee of the Commission.

(3) Any disclosure made under this section shall be recorded in the minutes of the Commission.

(4) Where a member makes a disclosure of interest in respect of a contract or proposed contract in accordance with this section, or his interest in a contract or proposed contract is not such as need be disclosed under this section—

(a) the contract is not liable to be avoided by the Commission on any ground arising from the fiduciary relationship between the member and the Commission;

and

(b) the member is not liable to account to the Commission for profits derived from the contract.

15. (1) A document is duly executed by the Commission if it is sealed with the common seal of the Commission and signed by two members of the Commission.

Due
execution of
documents by
the
Commission.

(2) An apparently genuine document purporting to have been executed by the Commission in accordance with subsection (1) of this section shall be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed by the Commission.

PART II
DIVISION II

DIVISION II—THE WASTE MANAGEMENT TECHNICAL COMMITTEE

**The
Technical
Committee.**

16. (1) There shall be a committee entitled the "Waste Management Technical Committee".

(2) The following persons shall be appointed by the Minister as members of the technical committee—

- (a)* the Director who shall be chairman of the Committee;
 - (b)* a person nominated by the Minister for the Environment;
 - (c)* a person nominated by the Minister of Health;
 - (d)* a person nominated by the Minister of Works;
 - (e)* a person nominated by the Minister of Housing;
 - (f)* a person nominated by the Minister of Local Government;
 - (g)* a person selected by the Minister from a panel of three persons nominated by the South Australian Local Government Engineers Association Incorporated;
 - (h)* a person selected by the Minister from a panel of three persons nominated by the Australian Institute of Health Surveyors (South Australian Division);
 - (i)* a person selected by the Minister from a panel of three persons nominated by the South Australian Chamber of Commerce and Industry;
 - (j)* a person selected by the Minister from a panel of three persons nominated by the Australian Mineral Development Laboratories;
- and
- (k)* a person who has experience in waste management nominated by the Commission.

(3) Where the Minister, by notice in writing, requests—

- (a)* the South Australian Local Government Engineers Association Incorporated;
 - (b)* the Australian Institute of Health Surveyors (South Australian Division);
 - (c)* the South Australian Chamber of Commerce and Industry;
- or
- (d)* the Australian Mineral Development Laboratories,

to make a nomination for the purposes of this section and the body to which the request was addressed fails to make such a nomination within the time allowed in the notice, the Minister may select a person for appointment as a member of the technical committee in lieu of a nominee of that body, and a person so selected may then be appointed to membership of the technical committee as if he had been nominated by the body to which the request was addressed.

(4) The terms and conditions upon which members of the technical committee hold office shall be as determined by regulation.

**Allowances
for members.**

17. A member of the technical committee shall be entitled to receive such allowances and expenses as may be determined by the Governor.

PART II

DIVISION II

Functions
of the
technical
committee.

18. The functions of the technical committee are:—

- (a) to advise the Commission upon any aspect of waste management of a technical nature;
 - (b) to report to the Commission on any services relating to waste management that should in the opinion of the technical committee be introduced or modified;
- and
- (c) to investigate and report to the Commission on any matters referred to the technical committee for advice.

DIVISION III—OTHER COMMITTEES

DIVISION III

Establishment
of Committees.

19. (1) The Minister may establish such other committees as he thinks necessary for the administration of this Act.

(2) The membership of any such committee, and the terms and conditions upon which its members hold office, shall be as determined by the Minister.

DIVISION IV—STAFF OF THE COMMISSION

DIVISION IV

Employees of
Commission.

20. (1) The Commission may appoint such employees as are required for the administration of this Act.

(2) The provisions of the Public Service Act, 1967-1978, shall not apply to or in relation to any employee of the Commission.

(3) The terms and conditions upon which the employees of the Commission hold office shall be determined by the Commission with the approval of the Public Service Board.

21. The Commission is a public authority for the purposes of the Superannuation Act, 1974-1979, and an employee of the Commission is, subject to that Act and any arrangement made between the Commission and the South Australian Superannuation Board, entitled to become a contributor to the South Australian Superannuation Fund.

Superannuation.

22. (1) The Commission may, with the approval of the Minister controlling a department of the Public Service of the State, upon terms mutually arranged, make use of the services of the officers of that department for any purpose related to the performance of the functions of the Commission under this Act.

Commission
may make use
of services
of certain
officers.

(2) The Commission may, with the approval of an agency or instrumentality of the Crown, upon terms mutually arranged, make use of the services of an officer or employee of the agency or instrumentality.

PART III

PART III

WASTE MANAGEMENT

DIVISION I

DIVISION I—CONTROL OF DEPOTS

Control of
depots.

23. (1) Any premises to be used for the purpose of the reception, storage, treatment or disposal of waste must be licensed as a depot.

(2) A licence in respect of a depot may be granted upon conditions—

- (a) requiring the occupier of the depot to accept wastes of a kind stipulated in the licence;
- (b) prohibiting the occupier of the depot from accepting wastes of a kind stipulated in the licence;
- (c) regulating the type of waste that is to be accepted at the depot, and the quantities in which waste is to be so accepted;

and

- (d) requiring the occupier of the depot to carry out proper procedures relating to waste management and to take proper precautions to prevent or minimize environmental damage,

and on such other conditions as the Commission thinks fit.

(3) Where a depot is not licensed as required by this section, or a condition on which a licence relating to a depot is not complied with, the occupier of the depot shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars.

DIVISION II

DIVISION II—CONTROL OF COLLECTION AND TRANSPORTATION OF WASTE

Collection
and
transportation
of wastes.

24. (1) A person who (otherwise than as an employee of another person) collects or transports waste for fee or reward must be licensed to do so under this section.

(2) For the purposes of this section—

- (a) a council that collects or transports waste;

or

- (b) a person who collects or transports waste in the course of carrying on an industrial or commercial process in respect of which a licence is required under this Act,

shall be deemed to do so for fee or reward.

(3) A licence under this section may be granted on conditions—

- (a) regulating the kinds of waste that are to be, or are not to be, collected and transported by the holder of the licence;

and

- (b) regulating the kinds of receptacles and vehicles to be used by the licensee in the course of his business and the standards with which they must comply;

and on such other conditions as the Commission thinks fit.

(4) Where a person collects or transports waste for fee or reward without being licensed as required by this section, he shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars.

(5) Where a condition of a licence under this section is not complied with, the licensee shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars.

DIVISION III—CONTROL OF PRODUCTION OF CERTAIN WASTES

DIVISION III

25. (1) A person who carries on an industrial or commercial process in the course of which waste of a prescribed kind is produced must be licensed under this section.

Production of waste of certain kinds.

(2) A licence under this section may be granted upon conditions requiring the licensee to treat and dispose of wastes produced by him in a specified manner.

(3) A person who carries on an industrial or commercial process in respect of which a licence is required under this section without being licensed shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars.

(4) Where a condition of a licence under this section is not complied with, the licensee shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars.

DIVISION IV—PROVISIONS APPLICABLE TO LICENCES GENERALLY

DIVISION IV

26. (1) An application for a licence—

Procedure upon application, etc.

(a) must be made to the Commission in writing and in the prescribed form;

and

(b) must be accompanied by the prescribed fee.

(2) An applicant must furnish the Commission with such information as the Commission may require for the purpose of determining the application.

(3) Where, after consideration of the application, the Commission is satisfied that—

(a) the grant of the licence would not prejudice proper waste management in the State;

and

(b) the exercise of rights conferred by the licence would not, in the circumstances of the case, be likely to result in—

(i) a nuisance or offensive condition;

(ii) conditions injurious to health or safety;

or

(iii) damage to the environment,

the Commission shall grant a licence to the applicant.

PART III
DIVISION IV
 Term and
 renewal of
 licence.

27. (1) The term of a licence under this Act shall be a period determined by the Commission and specified in the licence.

(2) The Commission shall, upon receipt of due application for renewal of a licence under this Act, renew the licence for a further term.

(3) An application for renewal of a licence—

(a) must be made to the Commission in writing and in the prescribed form;

and

(b) must be accompanied by the prescribed fee.

Transfer of
 licences.

28. A licence may, with the consent of the Commission, be transferred.

Variation of
 conditions of
 licence.

29. The Commission may, by notice in writing served personally or by post on the holder of a licence, add to, vary, or revoke, any of the conditions of the licence.

Revocation of
 licence.

30. Where a licensee commits an offence against this Act that, in the opinion of the Commission, shows him to be unfit to hold a licence, the Commission may, by notice in writing served personally or by post on the licensee, revoke the licence.

Register.

31. (1) The Commission shall cause a register to be kept of all licences granted under this Act.

(2) The register shall be available for public inspection.

DIVISION V

DIVISION V—CONTROL OF UNDESIRABLE PRACTICES

Orders relating
 to waste
 management.

32. (1) Where the Commission is satisfied—

(a) that a person has failed to comply with this Act;

and

(b) that in consequence—

(i) a nuisance or offensive condition;

(ii) conditions injurious to health or safety;

(iii) damage to the environment,

has been caused, or is threatened,

the Commission may, by order in writing served upon that person, require him to carry out, or to refrain from carrying out, any action specified in the order.

(2) A person shall not contravene, or fail to comply with, an order under this section.

Penalty: Two thousand dollars.

(3) Where by an order under this section a person is required to carry out an action, and the order is not complied with, the Commission may cause the order to be carried out and may recover the cost incurred by doing so as a debt from the person against whom the order was made.

DIVISION VI—ESTABLISHMENT AND MANAGEMENT OF DEPOTS BY
THE COMMISSION

PART III
DIVISION VI

33. (1) Subject to subsection (2) of this section, the Commission may establish such depots as it thinks necessary for the purpose of—

Establishment
of depots by
the
Commission.

(a) receiving waste;

and

(b) waste management.

(2) Where the Commission proposes to establish a depot in pursuance of this section, the Commission shall, by notice in the *Gazette* and in two newspapers circulating generally throughout the State, give notice of the proposal and invite representations from any interested person to be made on or before a date fixed in the notice, being a date not less than one month after the date of the notice.

(3) A depot shall not be established under this section unless the Minister, after consideration of any representations made in pursuance of the invitation referred to in subsection (2) of this section, certifies that, in his opinion—

(a) existing facilities in the area in which the depot is to be established are inadequate for the purpose of proper waste management;

and

(b) the establishment of the depot is required in the public interest.

(4) The Commission may, subject to and in accordance with the Land Acquisition Act, 1969-1972, acquire land for the purposes of establishing a depot under this section.

34. (1) The Commission shall have the administration and control of all depots established under this Division.

Management
of depots by
the
Commission.

(2) The Commission may receive waste at any depot established under this Division upon such terms and conditions as may be determined by the Commission.

35. (1) All waste received by the Commission or its agents shall become the property of the Commission, and the Commission may sell or dispose of the waste in such manner as it thinks fit.

Property in
waste.

(2) A person shall not interfere with, or remove, waste from a depot of the Commission unless he is authorized by the Commission to do so.

Penalty: Five hundred dollars.

PART IV

PART IV

FINANCIAL PROVISIONS

Contributions
to the
Commission.

36. (1) The occupier of a depot shall pay to the Commission in respect of waste received at that depot such contributions as may be prescribed.

(2) A contribution is not payable under this section in respect of waste received at a depot for the purpose of being transported to some further depot for disposal.

(3) The regulations made for the purposes of subsection (1) of this section may provide for contributions to be calculated on such basis as may be specified in the regulations.

(4) The contributions payable by the occupier of the depot under this section shall be paid at such intervals and in such manner as the Commission may, by notice in writing served on the occupier, direct.

(5) Any contribution payable by the occupier of a depot under this section shall be recoverable by the Commission as a debt due to the Commission.

Contributions
by the
Treasurer.

37. The Treasurer may, out of moneys provided by Parliament, make such contributions to the funds of the Commission as he thinks fit.

Accounts and
audit.

38. (1) The Commission shall cause proper accounts to be kept of its financial affairs and shall in respect of each financial year prepare a statement of accounts in such form as the Treasurer may approve.

(2) The Auditor-General may at any time, and shall at least once in each financial year, audit the accounts of the Commission and for the purposes of the audit he shall have and may exercise in respect of the accounts of the Commission and the employees of the Commission the powers that are vested in the Auditor-General by the Audit Act, 1921-1975, in respect of public accounts and accounting officers.

Borrowing by
the
Commission.

39. (1) The Commission may, for the purposes of this Act, borrow money from the Treasurer, or with the consent of the Treasurer, from any other person.

(2) Any liability incurred with the consent of the Treasurer under subsection (1) of this section is guaranteed by the Treasurer.

(3) Any liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) of this section shall be satisfied out of the General Revenue of the State which is, to the necessary extent, appropriated accordingly.

Investment
of funds
of the
Commission.

40. The Commission may, with the approval of the Treasurer, invest any of its funds not immediately required for the purposes of this Act in any manner approved by the Treasurer.

PART V

PART v

MISCELLANEOUS

41. (1) Any person who is aggrieved by a decision of the Commission may appeal to the Minister against that decision. Rights of appeal.

(2) An appeal under this section must be instituted by notice in writing addressed to the Minister setting out in detail the grounds of the appeal.

(3) An appeal must be commenced within twenty-eight days of the appellant receiving notice of the Commission's decision.

(4) Where an appeal has been instituted, the Minister shall appoint an arbitrator (who must be a person holding judicial office under the Local and District Criminal Courts Act, 1926-1978) to determine the appeal.

(5) The arbitrator may confirm, vary or reverse the decision of the Commission to which the appeal relates and his decision upon the appeal shall be final and not subject to further appeal.

42. (1) The Commission may of its own motion, and shall if so required by the Minister, hold an inquiry into any matter relating to the production of waste, or waste management. Inquiries.

(2) For the purposes of an inquiry under this section the Commission may, by notice in writing—

(a) require any person to provide the Commission orally or in writing with such information relating to the production of waste or waste management as may be specified in the notice;

and

(b) require any person to produce books, papers or documents specified in the notice.

(3) A person who fails to comply with a notice under this section shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

(4) A person is not required to disclose information under this section if the information would tend to incriminate him of an offence.

43. (1) An authorized person may at any reasonable time enter any premises (not being a dwellinghouse) to make any inspection or test relevant to the administration of this Act, and may take samples of waste from those premises for analysis. Power to enter premises.

(2) An authorized person may direct the driver of a vehicle to stop the vehicle, or to drive it to a place nominated by the authorized person, to enable him to carry out an inspection relevant to the administration of this Act, or to take samples of waste from the vehicle.

(3) An authorized person may direct the driver of a vehicle to dispose of waste in or upon the vehicle at a place nominated by the authorized person.

(4) A person shall not hinder or obstruct an authorized person, or fail to comply with a direction of an authorized person, acting in pursuance of this section.

Penalty: Five hundred dollars.

PART V

Non-disclosure
of information.

44. A member of the Commission, or an employee of the Commission, shall not disclose any information to which he has had access in the course of his official duties unless the disclosure is made—

- (a) with the consent of the person from whom the information was obtained;
 - (b) in connection with the administration of this Act;
 - (c) for the purposes of any legal proceedings arising out of the administration of this Act;
- or
- (d) for the purposes of an inquiry conducted under this Act.

Penalty: One thousand dollars.

Proceedings.

45. Proceedings for offences against this Act shall be disposed of summarily

Continuing
offences.

46. (1) Where a person is committing an offence against this Act of a continuing nature, the Commission may, by notice in writing served personally or by post on that person require him to desist from committing that offence.

(2) Where a notice has been served upon a person in pursuance of subsection (1) of this section, he shall be liable, upon conviction for the offence, in addition to any other penalty prescribed by this Act, to a further penalty not exceeding two hundred dollars for every day the offence continued after service of the notice.

Annual reports.

47. (1) The Commission shall as soon as practicable after the thirtieth day of June in each year submit a report to the Minister upon its activities during the period of twelve months ending on that day.

(2) The Minister shall, as soon as practicable after his receipt of a report under this section, cause copies of the report to be laid before both Houses of Parliament.

This Act not
to derogate
from Water
Resources Act.

48. Nothing in this Act or any licence under this Act—

- (a) derogates from any provision of the Water Resources Act, 1976-1979;
- or
- (b) constitutes for the purposes of that Act an authority to cause suffer or permit waste to come into contact with waters.

Regulations.

49. (1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of the foregoing, those regulations may—

- (a) regulate the operation of depots;
- (b) regulate the collection or transportation of waste;
- (c) regulate the construction or maintenance of containers, vehicles and vessels used for the transportation of waste;

- (d) provide for the measurement, determination, estimation or assessment of the volume or mass of waste;
- (e) prescribe the qualifications required for appointment as an authorized person under this Act;
- (f) require licensees to furnish returns containing such information as may be prescribed;
- (g) provide for the payment of fees upon any application made to the Commission under this Act;

and

- (h) prescribe and provide for the recovery of fees for any services rendered by the Commission.

(3) The regulations may impose a penalty not exceeding five hundred dollars for breach of, or non-compliance with, any regulation.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor