

# **Explanatory Notes for the**

## ***Waste Avoidance and Resource Recovery Bill 2007***

### **EXECUTIVE SUMMARY**

This *Waste Avoidance and Resource Recovery Bill 2007* (WARR Bill) gives effect to the Government's commitment to develop comprehensive legislation to address the management and avoidance of waste.

The WARR Bill takes into consideration the results of consultations from 1998 to the present from key stakeholder groups during seminars and workshops, and from formal submissions received on public discussion papers and several earlier public drafts of the Bill.

The main features of the WARR Bill are:

- establishing a statutory Waste Authority with various non-regulatory functions and powers including:
  - strategic policy and planning for the transition towards zero waste to landfill in Western Australia;
  - the implementation of policies, plans and programs to achieve that transition;
  - the administration of funds raised through the collection of the landfill levy.
- providing head powers for the making of regulations to support waste avoidance and resource recovery in Western Australia.
- providing for the Waste Authority to develop, for the Minister's approval a **waste strategy**. The Waste Authority prepares an annual **business plan** also approved by the Minister addressing implementation of the approved waste strategy. Local governments prepare **waste management plans** as a tool for on-the-ground implementation of the State's waste strategy.
- encouraging voluntary product stewardship agreements by industries to address the management of the wastes their products create and providing head powers for regulations to establish mandatory extended producer responsibility (EPR) schemes, where the voluntary approach has failed and the Waste Authority's business plan, with the Minister's approval, has identified a priority.
- allowing for local governments to directly provide, or enter into contracts to provide, waste management services.
- allowing for a local government to appeal to the State Administrative Tribunal if it disagrees with:

- a requirement by the CEO (the Director-General of the Department of Conservation and Environment (DEC)) to provide a specified waste management service;
  - a request by the CEO to provide information specified for monitoring or evaluating waste management services; or
  - the content of a notice issued by the CEO to fix the proportion of the cost of providing a waste management service to be borne by the local government.
- incorporating and consolidating the landfill levy provisions of Part VIIA (sections 110A to 110J) of the *Environmental Protection Act 1986*.
  - transferring responsibility for the Mt Walton Intractable Waste Repository to the Department of Housing and Works by repealing Part VIIB (waste management operations) of the *Environmental Protection Act 1986* (abolishing the body corporate of Waste Management (WA)) and amending the *Public Works Act 1902* to appropriately empower the Department of Housing and Works.
  - allowing for the amendment or repeal as appropriate of the *Environmental Protection Amendment Regulations (No.2) 1998* (Part 9 – Landfill Levy – clauses 21 to 33).
  - updating and consolidation into the WARR Bill of provisions currently in the *Health Act 1911* relating to the provision of waste management services.

## **GENERAL EXPLANATORY NOTES ON THE WASTE AVOIDANCE AND RESOURCE RECOVERY BILL 2007**

### **OBJECTIVES**

The WARR Bill has the following primary objectives:

To contribute towards sustainability<sup>1</sup> in Western Australia and to effect the transition to a waste-free society by:

- having regard to the protection of human health consistent with the *Health Act 1911* and, when proclaimed, the proposed new *WA Public Health Act*<sup>2</sup>;
- having regard to the protection of the environment consistent with section 4A of the *Environmental Protection Act 1986*;
- encouraging the most efficient use of resources and reducing environmental harm in accordance with the principles of ecologically sustainable development;
- ensuring that resource management options are considered against a hierarchy of the following order:
  - avoidance of unnecessary resource consumption;
  - resource recovery (including reuse, reprocessing, recycling and energy recovery);
  - disposal; and,
- incorporating the principle of environmental justice, being the fair treatment for people of all races, cultures and incomes, regarding the development of environmental laws, regulations and policies.

To achieve the primary objectives, the Bill has the following supporting objectives:

- to provide for integrated waste and resource management planning, policies, programs and service delivery on a State-wide basis;
- to enable producers of products that generate problematic wastes to share with consumers of those products the responsibility of reducing and dealing with those problematic wastes;
- to ensure that where the Bill creates powers and responsibilities it also provides accountability mechanisms;
- to create effective frameworks and structures to coordinate and facilitate waste avoidance, resource recovery and the safe management of remaining wastes;
- to define the roles and responsibilities of key participants in waste generation and/or management;

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<sup>1</sup> The State Government defines sustainability as “*meeting the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity*”.

Page 4 in “*Hope for the future: the Western Australian state sustainability strategy*”. (Government of Western Australia, Department of the Premier and Cabinet, Perth, WA.) (2003). 304 pp.

<sup>2</sup> Department of Health, Western Australia (June 2005). *New Public Health Act for Western Australia: A Précis*. 16 pages.

- to increase the participation of stakeholders with respect to waste issues;
- to require the Waste Authority to prepare and regularly update a strategic plan for waste avoidance and resource recovery in the State of Western Australia, which shall form the basis for the relevant actions;
- to require the Waste Authority to prepare and regularly update a business plan for waste avoidance and resource recovery in the State of Western Australia, consistent with the strategic plan, which shall form the basis for the relevant actions;
- to maximise waste avoidance;
- to provide for the continuous reduction (continuous improvement) in waste generation;
- to optimise resource recovery from waste;
- to minimise the consumption of natural resources and the final disposal of waste by encouraging the avoidance of waste and the reuse and recycling of waste;
- to promote the minimisation of the toxicity and volumes of generated and disposed waste;
- to encourage the design of products and services to eliminate wastes and prevent adverse impacts on the environment;
- to create incentives to avoid waste and recover resources;
- to create offences and penalties relating to unacceptable practices in waste avoidance, waste disposal and resource recovery;
- to ensure the efficient funding of waste and resource management planning, programs and service delivery;
- to have regard for the proximity principle, being the desirability to treat and dispose of waste as near as is practicable to the point of generation; and,
- to encourage the appropriate technological innovations, social change and capital investments required to move towards zero waste to landfill in Western Australia.

## SUMMARY OF THE MAIN ELEMENTS OF THE BILL

- *establishing a statutory Waste Authority.*

The Bill establishes a statutory Waste Authority together with requisite functions and powers to help achieve the State's vision of "towards zero waste to landfill by 2020".

Establishing an independent statutory authority to progress waste policy and program delivery, within a broader sustainability context, is considered to be Australian best practice governance. It allows for clear separation of waste policy and program delivery from the functions which will be undertaken by the Department of Environment and Conservation: waste regulation and related compliance and enforcement functions.

The Waste Authority will be required to submit a waste strategy and an annual business plan to the Minister for approval or amendment as the Minister considers appropriate.

- *allowing for policies, plans and regulations to be made to effect waste avoidance and resource recovery in Western Australia.*

Once approved, and acting in accordance with the waste strategy and business plan approved by the Minister, the authority will be responsible for developing policies and implementing programs for progressing waste avoidance and resource recovery in Western Australia, and for approving expenditures, including the awarding of grants from the fund created through collection of the Landfill Levy.

The WARR Bill gives the chief executive officer (CEO), which for this Act means the Director General of the Department of Environment and Conservation, the power to request any entity to provide a report on its compliance with the waste strategy, or the reasons for any specified non-compliance by that entity with the waste strategy. While there are no monetary fines envisaged for non-compliance, there is the power for the CEO to include a summary of the entity's failure in the department's next annual report.

- *creating the head powers for establishing extended producer responsibility schemes and product stewardship plans, and implementation of the associated instruments for managing 'priority wastes'.*

The Bill gives effect to the Extended Producer Responsibility (EPR) policy statement endorsed by the Government and publicly released on 29 June 2005. The Bill provides for registration of voluntary product stewardship plans and regulating for mandatory EPR schemes to take action on 'priority wastes'.

The Government's preferred approach, outlined in the policy statement, is for EPR schemes to be based on voluntary agreements, with the State Government playing a strategic, facilitating role.

The proposed legislation sets up head-powers allowing for application of economic, informational and regulatory instruments. The Waste Authority, with wide consultation

develops a list of ‘priority wastes’ requiring a mandatory approach to EPR. This list is incorporated in the Waste Authority’s business plan, which must be approved by the Minister. The Waste Authority publishes in the *Government Gazette* the list of “priority wastes” and the instrument/s specific to managing those priority wastes (similar to the process in the NSW *Waste Avoidance and Resource Recovery Act 2001*).

According to the EPR policy statement, the guiding principle for the application of EPR in Western Australia is that the Government would not intervene where industries are effectively reducing priority wastes, but would act decisively where they are not.

The Government would act to regulate for a mandatory EPR scheme if voluntary measures for managing a priority waste had failed according to specified, published criteria.

The terminology and procedures allowed for in the WARR Bill are consistent with both the Western Australian EPR Policy adopted in June 2005 and the draft *National Environment Protection Measure for Product Stewardship* (NEPM) placed before the national Environment Protection and Heritage Council (EPHC) on 23 June 2006.

In the event, this approach of a blanket NEPM, applied through product-specific State regulations, was not proceeded with. Rather EPHC has decided to develop a template NEPM to guide the development of product-specific NEPMs as agreed at the national level. The provisions in the Bill remain consistent with this revised approach.

- **providing for the creation of regulations relating to waste matters, including compliance and enforcement.**

The Bill establishes provisions for regulatory functions relating to waste matters.

The Bill establishes the clear separation of regulatory, compliance and enforcement functions, to be undertaken by the Department of Environment and Conservation, and policy and program delivery functions, to be undertaken by the new Waste Authority.

Regulatory functions in the Bill would relate to, for example, the lodging and assessment of waste management plans, the oversight of local government waste management services, implementation of mandatory EPR schemes, auditing levy compliance, and investigation and enforcement actions relating to the offence provisions.

- ***consolidating (with consequential and other amendments as required) of certain (but not all) waste provisions currently in the Environmental Protection Act 1986, the Health Act 1911 and the Environmental Protection (Landfill) Levy Act 1998.***

The major areas include the updating and transfer of provisions from the *Health Act 1911* concerning the waste management services provided by local government.

These are relevant provisions for inclusion in the new WARR Bill and, as amended and updated, they allow for improvements in controls and accountabilities over the provision of waste management services.

The WARR Bill also makes provisions for local governments to prepare waste management plans as part of their *plans for the future* required already under the *Local Government Act 1995*, since the provision of municipal waste collection services is a core function of local government. These plans are to demonstrate how the local government is implementing the State's approved waste strategy at the local level.

## **SPECIFIC EXPLANATORY NOTES ON THE WASTE AVOIDANCE AND RESOURCE RECOVERY BILL 2007**

### **Part 1 – Preliminary**

This Bill is a key element in the Government’s vision of “towards zero waste to landfill by 2020”. It is intended to promote efficient resource use and resource recovery, consistent with the principles of ecologically sustainable development.

### **Part 2 – Waste Authority**

The Bill sets up a 5-member independent, statutory Waste Authority appointed by the Governor on the recommendation of the Minister.

The Minister for the Environment shall ensure the adequate resourcing and servicing of the Waste Authority through the Director General (the ‘CEO’) of the Department of Environment and Conservation (DEC).

It is expected that the Minister, the chairman of the Waste Authority and the CEO would agree upon and sign a formal service agreement, similar in principle to, for example, the service agreement which has been in place for almost 10 years between the Environmental Protection Authority (EPA) and DEC, and approved by the Minister. This EPA service agreement is regularly reviewed and updated as appropriate.

The Constitution and proceedings of the Waste Authority are described in Schedule 1 of the Bill. The functions of the Waste Authority are set out in Schedule 2.

#### **Membership of the Waste Authority**

The Waste Authority’s 5 members are appointed by the Governor, on the recommendation of the Minister, with members appointed on account of their skills, experience and knowledge as far as is practicable in matters relating to sustainability, waste management, resource recovery, recycling, business, regional affairs, local and State government, and the environment (including conservation) generally.

Similar to section 7(4a) of the *Environmental Protection Act*, it is proposed that one of the Waste Authority members shall be appointed by the Governor on the recommendation of the Minister to be the chairperson of the authority and another to be the deputy chairperson of the authority.

The duties of the chairperson, the deputy chairperson and of the other members are to be performed on a part-time or full-time basis as determined by the Governor on the recommendation of the Minister in the case of the chairperson, the deputy chairperson and of each the other members.



The CEO (again, the Director-General of DEC) will not be a member of the Waste Authority but would be entitled to attend any meetings of the Waste Authority and entitled to take part in any Waste Authority discussions. Not being a member of the Waste Authority, the CEO would not be entitled to vote on any Waste Authority matters.

### **Part 3 – Functions and powers of the Waste Authority**

The functions of the Waste Authority are detailed in Schedule 2 of this Bill.

The functions include:

- to advise and make recommendations to the Minister on matters relating to this Act;
- to coordinate the implementation of the waste strategy;
- to monitor and assess the adequacy of, and report to the Minister on the operation of, the waste strategy, product stewardship agreements and extended producer responsibility schemes;
- to promote resource efficiency, waste avoidance and resource recovery; and,
- to cooperate with local governments to coordinate local efforts to prevent waste.

The Waste Authority will administer the Waste Management and Recycling Fund (WMRF). The Waste Authority will have the power to enter into contracts, disburse WMRF funds, and provide grants and subsidies.

The Minister may give written directions to the Waste Authority, and the Waste Authority must give effect to any such direction.

The text of any such direction from the Minister must be published in the Waste Authority's annual report, which is tabled in Parliament and is a public document.

### **Part 4 – Management documents**

#### **Waste strategy**

The Waste Authority is to prepare and publish a waste strategy for Western Australia which is to be reviewed every two years. This document includes a strategy for continuous improvement of waste management and sets targets for waste reduction, resource recovery and the diversion of waste from disposal in landfills.

In preparing the strategy the authority is to consult bodies involved in waste management and resource recovery and, if the Minister gives approval, consult the general public.

Once all submissions have been considered the Waste Authority is to make any necessary amendments to the draft waste strategy and submit it to the Minister for approval. When the Minister approves the draft waste strategy, the approval is published in the *Western Australian Government Gazette* and the waste strategy comes into operation.

The responsibility for implementation of the waste strategy rests with the CEO DEC. The CEO may request any entity to report on its compliance with the waste strategy and the reasons for any non-compliance. Non-compliance with the strategy or with the CEO's request for a report will be published in the DEC's annual report.

### **Business plans**

The Waste Authority must prepare an annual business plan which includes setting out its objectives and priorities for the next 3 financial years, financial projections for that period, its budget for the next financial year and how it intends to spend monies from the Waste Management and Recycling Fund to achieve these.

The business plan must be approved by the Minister and must be consistent with the approved waste strategy. The approved business plan is a public document.

### **Waste management plans**

Waste management plans are intended to be used as a tool for ensuring that the Government's waste management policies and the approved waste strategy are delivered on the ground.

Through the preparation and implementation of waste management plans, local governments can demonstrate that they are compliant, or moving towards compliance, with the Government's waste management policies.

To assist local governments, and especially the smaller local governments, assistance, funding and template waste management plans will be available through the Waste Authority.

Note that waste management plans are to be public documents, prepared with the opportunity for formal public consultation.

The CEO may require a local government to include a waste management plan, as part of its '*plan for the future*' required under the *Local Government Act 1995*, outlining how the local government's waste management services will be managed to achieve consistency with the waste strategy.

Before requiring a waste management plan, the CEO must consult the local government and have regard to its views, and, if the local government so requests, must consult with the Waste Authority and have regard to its views. This provides accountability for the CEO's powers with respect to waste management plans.

The local government is to operate in accordance with its waste management plan, and the CEO is to have regard to the waste management plan when exercising statutory powers that affect the waste management plan.

## **Part 5 - Product stewardship**

Work is progressing on a national approach for co-regulatory product stewardship schemes. Extended producer responsibility schemes are considered a subset of product stewardship. The work is being progressed by a cross-jurisdictional technical working group under the auspices of EPHC, and is being supported by the Western Australian Government and other Australian State and Territory governments.

At present the intention is to develop a template NEPM that would be applied to specific products as agreed at the national level. These product-specific NEPMs would likely be given effect at the State level through regulations. Product stewardship provisions in the Western Australian WARR Bill are consistent with and complementary to this approach.

### **Extended producer responsibility**

This section of the WARR Bill allows for the making and implementation of EPR schemes, including mandatory EPR schemes, different from and in addition to any schemes approved by EPHC.

Generally, the priority wastes covered by schemes or policy instruments implemented under the WARR Bill would be products of particular significance and concern to Western Australia, which were not being addressed at the national level.

The WARR Bill and any subsequent regulations should encourage producers of products that generate problematic wastes of particular environmental significance to WA to develop and implement voluntary product stewardship agreements to deal with those wastes.

Each year the Waste Authority will publish a list of priority wastes which it has identified as requiring such special attention. If an acceptable voluntary product stewardship agreement is not in place for any of these wastes, or is unlikely to be forthcoming within a reasonable time, the Minister may approve a mandatory EPR scheme, supported by regulations.

## **Part 6 – Waste management services**

### **Services provided by local governments**

The provisions for waste services in the Health Act are now outdated, focussed as they are (*Health Act 1911*) on public health with no consideration of waste avoidance, minimisation or recycling, and with the Executive Director Public Health (EDPH) having almost absolute powers of direction of local government without consultation or appeal.

The intention of the Department of Health is to remove these powers from the proposed new Public Health Act, which will deal primarily with public health matters. The provisions in the WARR Bill therefore transfer waste management services out of the *Health Act 1911* and into the WARR Bill, since such services are no longer considered primarily a health or public health issue.

The provisions in the WARR Bill would ensure that it is the clear responsibility of local governments to provide households in their area with services for the collection, recycling and disposal of municipal solid waste. The CEO is given some powers of direction, but they are much more specific and are subject to appeal.

The power to require a local government to provide a specified waste management service formerly resided with the EDPH, under the *Health Act 1911*, and was without appeal. The WARR Bill proposes to transfer the power to the DEC CEO and gives the local government the right of an appeal to the State Administrative Tribunal.

Through the WARR Bill and existing provisions in the *Local Government Act 1995* each local government will have the power by resolution to fix its own rates, fees and charges for waste management services.

Hence, both local government and the CEO are more accountable for their actions under the new provisions. The provisions also improve the reporting standards and accountability of local governments in the provision of these services

### **CEO may monitor and evaluate waste management services**

Consistent with the Bill's twin principles of empowerment and accountability, local governments effectively have a monopoly over residential wastes, for which they are required to provide waste management services. Their provision of these services is monitored by the DEC CEO to ensure accountability. The CEO has powers in regard to monitoring and evaluating the provision waste management services, and the exercise of those powers is appealable by local governments to the State Administrative Tribunal (SAT).

### **Expenses of evaluation**

Where the evaluation reveals that the services are inadequate the DEC CEO can require the local government to provide the specified service or issue a waste collection permit to a third party to provide the required service. In these circumstances the cost of the evaluation may be reclaimed from the local government. All these powers of the CEO are appealable to the SAT.

### **Waste collection permits**

To protect the consumers of waste management services and those local governments that provide good services, the DEC CEO is empowered to take action, where specified wastes are not collected or where the services provided are not consistent with modern practice.

In such circumstances the CEO can issue a waste collection permit to a third party to provide the services. However, before doing so, the CEO must consult with the Waste Authority, the EDPH and the local government concerned. Any person aggrieved by the CEO's decision can appeal to the SAT.

### **Local laws**

Local governments have the power under the *Local Government Act 1995* to make local laws in relation to a range of matters to apply within the local government's area. Under the WARR Bill there are clear head powers to ensure local laws can be made to address waste management services.

Consistent with the present provisions in the *Health Act 1911* and *Local Government Act 1995*, the Governor may make model local laws and to make regulations that have the effect of local laws.

### **Local government rates, fees and charges**

The Bill empowers local governments to impose a rate for "the proper performance of waste management services" and/or a receptacle charge.

### **Offences**

It is an offence for someone other than a local government to collect municipal solid waste for fee or reward without a written contract or authorisation from the local government or a waste collection permit issued by the DEC CEO.

It is an offence to obstruct or hinder a properly authorised collector who is collecting municipal solid waste.

## **Part 7 – Collection and application of levy**

Under the WARR Bill the provisions for the collection of the levy imposed under the *Environmental Protection (Landfill) Levy Act 1998* are revoked and equivalent provisions are incorporated into the *Waste Avoidance and Resource Recovery Levy Bill 2007* (WARR Levy Bill).

Provisions for the administration of the waste levy are transferred to the WARR Bill.

The WARR Bill incorporates and consolidates the landfill levy provisions of:

- Part VIIA (sections 110A to 110J) of the *Environmental Protection Act 1986*; and,
- allows for the amendment or repeal as appropriate of the *Environmental Protection Amendment Regulations (No.2) 1998* (Part 9 – Landfill Levy –

clauses 21 to 33), and the gazettal of new regulations to give effect to these provisions.

The Waste Authority will have the function of recommending to the Governor the making of the relevant regulations relating to the prescribed amount that is to be payable in respect of waste received at licensed premises.

The primary rationale for the landfill levy is to provide funds for supporting the relevant strategic activities; specifically, implementation of the *Strategic Direction*, and the administration costs directly associated with its implementation.

The Minister is to be responsible for allocating levy funds. The Minister has the discretion to authorise the Waste Authority, in accordance with the approved annual business plan, to make the routine day-to-day decisions on the allocation of levy funds.

There are provisions for the levy to be paid in instalments.

### **Waste Management and Recycling Fund**

The Waste Management and Recycling Fund is a trust fund which will be administered by the Waste Authority. The Waste Authority may apply the funds for a variety of specified purposes as described, but always in a manner which is consistent with the business plan or is otherwise approved by the Minister.

The Waste Authority must seek the advice of relevant people and bodies about the setting and variation of a levy, and from time to time shall develop and publish a statement of the objectives to be achieved by programmes funded from the Waste Management and Recycling Fund.

The Waste Authority may pay out money to a person or body for the purposes of funding a programme relating to the management, reduction, reuse, recycling, monitoring or measurement of waste, and may attach to the payment such terms and conditions as it thinks fit.

## **Part 8 – Enforcement**

### **Investigation and obtaining information**

The WARR Bill provides for the appointment and empowerment of authorised persons to investigate and enforce provisions under delegated powers from the DEC CEO.

Inspectors appointed under the Environmental Protection Act may also be appointed with powers for the purposes of administering the proposed WARR Act.

The CEO may require an audit by an approved auditor of waste stored on premises, to assess the composition and quantity of the waste, the risk it poses to people, property or the environment and the safety of the premises and its associated activities.

In issuing a direction for an audit the CEO must state the reasons for and objectives of the audit, the matters to be audited and the date by which the report of the audit must be given to the CEO.

For the purposes of undertaking such an audit the CEO may approve an appropriately qualified, independent person as an auditor.

### **General**

Prosecutions under the proposed WARR Act are to be instituted only by the CEO or by a person authorised by the CEO.

A prosecution for an offence must be commenced within 2 years of the offence or within 2 years of the day evidence of the offence came to the attention of a person authorised to institute the prosecution if the prosecution notice so specifies.

In addition to the primary penalty imposed by a court for an offence, the WARR Bill proposes that a person convicted of an offence may be liable for a daily penalty.

The daily penalty may also be imposed by a court for each day or part of a day during which the offence continued after written notice of the alleged offence has been given by the CEO to the alleged offender, or for each day or part of a day for which the offence continued after the offender was convicted.

## **Part 9 – General provisions**

The WARR Bill proposes general provisions for confidentiality, the protection from liability for those exercising their functions, in good faith, under the proposed Act.

There are standard provisions for delegation of powers by the Minister, the CEO and the Waste Authority. There are head powers for the making of regulations (including regulations that operate as local laws) and a requirement that the proposed Act be reviewed every five years.

### **Schedule 1 – Constitution and proceedings of the Waste Authority**

This schedule sets out administrative matters such as the terms of office of members, how a member of the Waste Authority may resign or be removed from office, and how the Minister may deal with the sickness of absence of members.

### **Schedule 2 – Functions of the Waste Authority**

This schedule sets out the various functions of the Waste Authority.

### **Schedule 3 – Matters in respect of which regulations may be made**

This schedule sets out the various matters which may be the subject of regulations, including prescribing offences where the penalties do not exceed \$5000, regulating the operation of waste facilities, product stewardship agreements and extended producer responsibility schemes, and concerning the control and management of fees, deposits or bonds paid under the regulations.

### **Schedule 4 – Amendments and repeals**

This schedule contains consequential amendments to the following Acts

#### *Constitution Acts Amendments Act 1989*

Under section 37 of the CAA Act any member of a board listed in Schedule V Part 3 of the Act must resign membership of the board on being elected to either House of the Parliament. This amendment adds the Waste Authority to the list in Schedule V Part 3.

#### *Environmental Protection Act 1986*

Part VIIA relating to the Landfill Levy and Part VIIB relating to Waste Management (WA), the operator of the Mt Walton facility, are repealed. Schedule 2, which lists the sorts of things about which regulations may be made, is extended to include the collection of waste.

#### *Environmental Protection (Landfill) Levy Act 1998 (repealed)*

This Act is to be replaced by the WARR Levy Bill.

#### *Health Act 1911*

With new provisions in the WARR Bill to enable local governments to levy rates for waste management services, the equivalent provisions in the Health Act are no longer required, and are deleted. Similarly, provisions relating to rubbish and refuse and the local government's role in dealing with them throughout the Health Act are repealed.

#### *Public Works Act 1902*

Head powers are inserted into the Public Works Act to enable the Minister for Works to carry on waste management operations at the State's intractable waste disposal facility at Mt Walton East in the Shire of Coolgardie.

### **Schedule 5 - Savings and transitional provisions**

This schedule is intended to ensure the smooth transition to the provisions of the new *Waste Avoidance and Resource Recovery Act 2007*. There are specific provisions to ensure the ongoing effect of local laws made and fees and charges fixed under the Health Act. Regulations made under the levy provisions of the EP Act or the EP (Landfill Levy) Act are preserved and provision is made for the smooth transfer of funds from the Waste Management and Recycling Fund to the new Waste Management and Recycling Account. There is provision for the devolution of the assets and liabilities of Waste



Management (WA), the operator of Mt Walton. Finally, there are powers to make regulations to deal with transitional matters not provided for.