



I assent,

GEORGE TUPOU V,

23rd April, 2010.

AN ACT

TO AMEND THE WASTE MANAGEMENT ACT

BE IT ENACTED by the King and Legislative Assembly in the Legislature of the Kingdom as follows:-

1. (1) This Act may be cited as the Waste Management (Amendment) Act 2009.
- (2) The Waste Management Act 2005 is in this Act referred to as the Principal Act.
2. Section 2 of the Principal Act is amended –
 - (a) by deleting the words “the Authority” and the definition thereof, and substituting therefore the following word and definition:
“ ‘Authority’ means the Waste Authority Limited”;
 - (b) in the English version only, by deleting the word “Ltd” in paragraph (a) of the definition of “approved Authority”, and substituting therefore the word “Limited”;
 - (c) in the English version only, by deleting the word “pusposes” in paragraph (b) of the definition of “waste”, and substituting therefore the word “purposes”.
3. Section 4 of the Principal Act is amended in the English version only, by deleting the word “advise” wherever it appears, and substituting therefore the word “advice”.
4. Section 8 of the Principal Act is amended by –
 - (a) inserting the following as the new paragraph (d):
“(d) the issue of a licence to any person engaged in the commercial transportation of commercial wastes;”

- (b) re-numbering paragraphs (d), (e) and (f) as paragraphs (e), (f) and (g) respectively.
5. Section 10(3) of the Principal Act is amended by deleting the words “Minister of Finance” and inserting “Minister of Public Enterprises”.
6. The Principal Act is amended by inserting the following after section 11 as section 11A:
- “11A. (1) The Board may delegate to the Chief Executive Officer any of the functions of an approved Authority, other than the following-
- (a) the appointment of a Chief Executive Officer;
 - (b) the setting of any fee or charge;
 - (c) the borrowing of money;
 - (d) the approval of the operating plans;
 - (e) the approval of re-votes for expenditure on works, services or operations;
 - (f) the purchase, sale, exchange or surrender of any land or other property;
 - (g) the approval of tenders and contractors;
 - (h) the approval of the Statement of Corporate Intent for the approved Authority.
- (2) The Chief Executive Officer of an approved Authority may delegate any of his functions to another employee of an approved Authority.”
7. Section 13(1) of the Principal Act is amended –
- (a) in paragraph (a) by inserting the words “or monthly” after the word “annual”;
 - (b) in paragraph (b) of the English version only, by deleting the word “the” and substituting therefore the word “a”.
8. Section 17(4) of the Principal Act is amended by deleting the words “Minister of Finance” and inserting Minister of Public Enterprises.
9. Section 23(3) of the Principal Act is amended, in the English version only, by deleting the word “in” before the word “offence” and substituting therefore the word “an”.
10. Section 24 of the Principal Act is amended by inserting the following as subsection (6)-
- “(6) Any person engaged in the commercial transportation of commercial wastes without a licence issued by an approved Authority commits an offence and shall upon conviction be liable to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or both.”