

Waste Management and Resource Recovery (Waste Manager) Delegation 2022

Notifiable Instrument NI2022-268

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 2022*.

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 (Waste Manager) Delegation 2019* NI2019-759.

Bruce Fitzgerald
A/g Deputy Director-General, Transport Canberra and City Services
A/g Waste Manager
29 April 2022

Schedule 1

Waste Management and Resource Recovery Act 2016

COLUMN 1 Section	COLUMN 2 Short Description	COLUMN 3 Position number
20 (1)	Power to require (by written notice) an applicant for a waste facility licence to supply more information	P37979 P03561 P39832
20 (2)	Power to refuse further consideration of waste facility licence application if more information not provided	P37979 P03561
22 (1) (a)	Power to approve an application for a waste facility licence	P37979 P03561 P39832
22 (1) (b)	Power to refuse an application for a waste facility licence	P37979 P03561
22 (4)	Power to provide reasons for refusal of waste facility licence to applicant	P37979 P03561
22 (5)	Power to issue waste facility licence, and tell applicant form and manner of fee payable	P37979 P03561 P39832
23	Power to impose a condition on a waste facility licence	P37979 P03561 P39832
25 (1)	Power to keep a register of waste facility licences	P37979 P03561 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	P37979 P03561 P39832
25 (4)	Power to make register available to person	P37979 P03561
32 (1)	Power to require (by written notice) an applicant for a waste transporter registration to supply more information	P37979 P03561 P39832
32 (2)	Power to refuse further consideration of waste transporter registration application if more information not provided	P37979 P03561
34 (1) (a)	Power to approve an application for waste transporter registration	P37979 P03561 P39832
34 (1) (b)	Power to refuse an application for waste transporter registration	P37979 P03561
37 (1)	Power to keep a register of registered waste transporters	P37979 P03561 P39832
34 (3)	Power to provide reasons for refusal of waste transporter registration to applicant	P37979 P03561

34 (4)	Power to issue waste transporter registration, and tell applicant form and manner of fee payable	P37979 P03561 P39832
34A	Power to impose a condition on a waste transporter registration	P37979 P03561 P39832
37 (2), (3)	Power to include information in register, correct error or omission in register, and keep register accurate and up-to-date	P37979 P03561 P39832
37 (4)	Power to make register available to person	P37979 P03561
39 (1)	Power to approve a GPS tracking device for s40	P37979 P03561
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	P37979 P03561
44	Power to consider regulatory action against a licensee or registered waste transporter	P37979 P03561
45 (1)	Power to notify (by written notice) a person of proposed regulatory action against them – ‘notice to ‘show cause’	P37979 P03561
45 (2)	Power to consider submissions received in response to ‘show cause’ notice in s.45(1)	P37979 P03561
46 (2) (a)	Power to take regulatory action by imposing or amending a licence or registration condition	P37979 P03561
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	P37979 P03561
47 (2)	Power to give written notice to person notifying them that regulatory action against them will not be taken and why	P37979 P03561
48 (2)	Power to give notice of immediate suspension of licence/registration if there is a risk to public safety	P37979 P03561
51 (2), (3)	Power to return an amended or suspended licence to a licensee	P37979 P03561
52 (1)	Power to require a financial assurance	P37979 P03561
53 (1)	Power to give written notice of intention to require financial assurance	P37979 P03561
54	Power to cancel licence if financial assurance not provided	P37979 P03561
55 (2)	Power to claim on a financial assurance	P37979 P03561
56 (1)	Power to give written notice of intention to claim on financial assurance	P37979 P03561
58 (2)	Power to give written notice requiring payment of reasonable costs and expenses incurred but not covered by financial assurance	P37979 P03561
62 (1)	Power to give written notice to direct a person to comply with an approved Code of Practice	P37979 P03561

64V	Power to approve, refuse, suspend, revoke, or impose conditions on, a container approval	P37979 P03561 P39833
70 (2)	Power to give a written compliance direction	P37979 P03561
71 (1)	Power to give a written direction relating to stockpiling materials or delivering waste to a named facility	P37979 P03561
96 (2)	Power to give written notice inviting of a proposed enforceable undertaking	P37979 P03561
97 (1)	Power to accept proposed enforceable undertaking	P37979 P03561
98	Power to keep, correct, update a register of enforceable undertakings	P37979 P03561
99 (1)	Power to approve withdrawal from an enforceable undertaking	P37979 P03561
100 (1)	Power to end an enforceable undertaking	P37979 P03561

Waste Management and Resource Recovery Regulation 2017

COLUMN 1 Section	COLUMN 2 Short Description	COLUMN 3 Position Number
24I	Power to require more information from applicant in respect of an application for an approval of a network arrangement	P37979 P03561 P39833
24K	Power to approve, refuse, or impose conditions on an approval of a network arrangement	P37979 P03561 P39833
24L	Power to amend an approval of a network arrangement	P37979 P03561 P39833
24M	Power to suspend or revoke an approval of a network arrangement	P37979 P03561 P39833
24R	Power to require more information from applicant in respect of an application for an approval of a collection point arrangement	P37979 P03561 P39833
24T	Power to approve, refuse, or impose conditions on an approval of, a collection point arrangement	P37979 P03561 P39833
24U	Power to amend an approval of a collection point arrangement	P37979 P03561 P39833
24V	Power to suspend or revoke an approval of a collection point arrangement	P37979 P03561 P39833
25 A (2), B (2)	Power to exempt person or classes of person from waste reporting requirements for a licensed waste facility	P37979 P03561

25 C (2)	Power to exempt person or classes of person from waste reporting requirements for a registered waste transporter	P37979 P03561
27	Powers to measure and estimate waste quantities for the purposes of waste quantification	P37979 P03561 P41135