

As Amended in the House of Representatives

No. 9 of 2015

Fifth Session Tenth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to provide for the establishment of a Waste Recycling Management Authority and a Resource Recovery Fund to facilitate the efficient coordination of the implementation of a waste recycling system that would protect human health and the environment and matters related thereto

THE WASTE RECYCLING BILL, 2015

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of this Bill is to provide for the establishment of a Waste Recycling Management Authority and a Resource Recovery Fund to facilitate the efficient coordination of the implementation of a waste recycling system that would protect human health and the environment.

The Bill contains eight Parts and 39 clauses.

PART I PRELIMINARY

This Part would comprise the preliminary clauses and contain clauses 1 to 6.

Clause 1 would set out the short title of the Bill.

Clause 2 would provide for the Act to come into force on Proclamation.

Clause 3 would provide the definition of certain words and phrases used in the Act.

Clause 4 would prescribe the objects of the Act.

Clause 5 would empower the Minister to give the Authority specific and general directions with respect to the performance of its functions.

Clause 6 would provide for the Act to bind the State.

PART II ESTABLISHMENT AND ORGANIZATION OF THE WASTE RECYCLING MANAGEMENT AUTHORITY

This Part would comprise clauses 7 to 15.

Clause 7 would establish a body corporate to be known as “the Waste Recycling Management Authority”, and would provide for the Authority to be governed by a Board of Directors. The clause would also provide for the President to appoint members to the Board including a Chairman of the Board, and for the Board to appoint a Managing Director who shall be an *ex officio* member of the Board. Further, the clause would provide for the remuneration of members of the Board.

Clause 8 would provide for the custody and use of the Seal of the Authority.

Clause 9 would detail the procedure to be followed at meetings of the Authority.

Clause 10 would give the Authority the power to delegate its functions to the Managing Director or to any governmental entity, as it thinks fit.

Clause 11 would prescribe the functions and remuneration of the Managing Director.

Clause 12 would give the Board the power to appoint a Corporate Secretary, and the Authority the power to appoint other personnel, as it considers necessary.

Clause 13 would provide for Board members and personnel of the Authority to be exempt from personal liability for any act or omission of the Authority, or for anything done, permitted to be done or omitted in good faith in the course of operations of the Authority.

Clause 14 would give the Board the power to appoint committees, working groups or advisory councils as it thinks fit to assist in the performance of its functions and in achieving the objects of the Act.

Clause 15 would provide for the Chairman of the Board to submit an annual report of the operations of the Authority during that financial year to the Minister, and for the Minister to cause a copy of the report to be laid in Parliament.

PART III

FUNCTIONS AND POWERS OF THE AUTHORITY

This Part would comprise clauses 16 to 18.

Clause 16 would prescribe the functions of the Authority.

Clause 17 would prescribe the powers of the Authority.

Clause 18 would provide for the Minister to cause the National Waste Recycling Policy to be laid in the Parliament within six months of the commencement of the Act. It would also provide for the Board to review the Policy and to produce a Draft Revised Policy which shall be submitted for public comment.

PART IV

FINANCES OF THE AUTHORITY

This Part would comprise clauses 19 to 26.

Clause 19 would prescribe the funds and resources of the Authority.

Clause 20 would provide for the Authority to be exempt from the payment of certain duties and taxes.

Clause 21 would prescribe the borrowing powers of the Authority.

Clause 22 would provide for the Authority to be a Statutory Authority for the purposes of the Guarantee of Loans (Statutory Authorities) Act, Chap. 71:81.

Clause 23 would provide for the funds of the Authority which are not immediately required to be expended in meeting any obligations or commitments to be invested in a manner approved by the Minister of Finance.

Clause 24 would provide for the Authority to cause proper accounts and records of its transactions to be kept in accordance with accounting standards established by the Institute of Chartered Accountants of Trinidad and Tobago.

Clause 25 would provide for the accounts of the Authority to be public accounts for the purposes of section 116 of the Constitution.

Clause 26 would provide for the Authority to submit estimates of its revenue and expenditure for the next financial year to the Minister of Finance, not later than the date specified by the Minister of Finance.

PART V RESOURCE RECOVERY FUND

This Part would comprise clauses 27 to 31.

Clause 27 would provide for the establishment of a Fund to be known as the “Resource Recovery Fund”, and for the Fund to be used for the purposes of operating the deposit refund system and other incentives to encourage recycling.

Clause 28 would provide for the President to designate five members of the Board, other than the Managing Director, to act as Trustees for the Fund.

Clause 29 would prescribe the resources of the Fund.

Clause 30 would provide for the monies of the Fund which are not immediately required to be expended in meeting any obligations to be invested in a manner as the Trustees consider appropriate, with the object of preserving the principal and achieving a reasonable rate of return on the investment, and shall

be approved by the Board and the Minister of Finance. It would also provide for the Trustees to have the power to buy and sell securities or other obligations as the Board deems appropriate.

Clause 31 would provide for the Authority to cause proper accounts and records of its transactions and affairs to be kept in accordance with accounting standards established by the Institute of Chartered Accountants of Trinidad and Tobago. It would also provide for the accounts of the Fund to be public accounts for the purposes of section 116 of the Constitution, and for the Trustees to submit a report of the proceedings and policies of the Fund during the preceding financial year and other specified information to the Board, not later than three months after the end of each financial year.

PART VI COMPLIANCE AND ENFORCEMENT

This Part would comprise clauses 32 and 33.

Clause 32 would provide for the Authority to designate suitably qualified persons as authorised officers for the proper administration of the Act.

Clause 33 would provide for an authorised officer to enter and search any premises with the consent of the owner or occupier or under a warrant issued by a Magistrate, after producing evidence of his authority. It would also prescribe the powers of the authorised officer upon entry into the premises.

PART VII REGULATIONS

This Part would comprise clause 34.

Clause 34 would empower the Minister on the recommendation of the Authority, to make Regulations to give effect to the provisions of the Act, subject to negative resolution of Parliament. It would also provide a penalty on summary conviction to a fine of five million dollars and imprisonment for two years, for contravention of the Regulations.

PART VIII MISCELLANEOUS

This Part would comprise clauses 35 to 39.

Clause 35 would provide for documents to be served on the Authority to be addressed to the Managing Director and for service of the documents to be effected by delivery of the documents or by sending the documents by registered post, to the office of the Authority.

Clause 36 would make it an offence for a person involved in the administration of the Act to disclose confidential facts, information and records obtained or furnished under this Act, except in so far as public duty requires, or any other written law permits the disclosure or requires that official action be taken.

Clause 37 would provide for a person aggrieved by a decision of the Authority to appeal to the Environmental Commission.

Clause 38 would give the Attorney General the power to intervene in any proceeding before the Environmental Commission as the official representative of the Government of Trinidad and Tobago.

Clause 39 would provide for an employee of the Authority, member of the Board, Trustee or authorised officer who has any actual or reasonably perceived interest in a matter which would otherwise come before the individual as part of the consideration or other action to be taken by the authority, to declare the nature of the interest at the first practicable opportunity. It would also provide for any action taken by the Board or the Authority before the interest has been declared to be subject to reconsideration by the Board or the Authority.

BILL

AN ACT to provide for the establishment of a Waste Recycling Management Authority and a Resource Recovery Fund to facilitate the efficient coordination of the implementation of a waste recycling system that would protect human health and the environment and matters related thereto

[, 2015]

Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:

PART I
PRELIMINARY

Short title **1.** This Act may be cited as the Waste Recycling Act, 2015.

Commencement **2.** This Act comes into force on such date as is fixed by the President by Proclamation.

Interpretation **3.** In this Act—

“Authority” means the Waste Recycling Management Authority established under section 7(1);

“authorised officer” means any person designated by the Authority under section 32;

“Board” means the Board of Directors of the Waste Recycling Management Authority appointed under section 7;

“Chairman” means the person appointed under section 7(2)(a) ;

“Commission” means the Environmental Commission established under section 81 of the Environmental Management Act;

“Corporate Secretary” means the person appointed under section 12;

“Deputy Chairman” means the person selected under section 7(5);

“Fund” means the Resource Recovery Fund established under section 27;

“handling” in relation to recyclable materials, means cleaning, washing, sorting, bailing,

compacting, shredding, transporting, collecting, processing, treatment, packaging or other related activities;

“Managing Director” means the Managing Director of the Authority appointed under section 7(3);

“member” means a person appointed to the Board under section 7;

“Minister” means the Minister to whom responsibility for the environment is assigned;

“Policy” means the National Waste Recycling Policy referred to in section 18(1);

“premises” means any facility, building, or man-made structure from, or on which recyclable materials may be handled or stored;

“recyclable,” in relation to waste, means any material or unusable product that could be diverted or removed from being disposed and be reused or remanufactured or reprocessed into a new product;

“waste” includes any material discarded or intended to be discarded.

4. The objects of this Act are to—

Objects of the Act

- (a) promote and encourage the recovery of waste through recycling and reuse;
- (b) develop and implement a deposit-refund system and other systems to encourage waste recovery;
- (c) enhance economic development through the promotion of business opportunities in the reduction, collection, handling and recycling of waste;

(d) promote a culture of waste minimization;
and

(e) encourage manufacturers, producers,
distributors and consumers to take
responsibility for the waste they generate.

Policy direction from
the Minister **5.** The Minister may give the Authority specific and
general directions **in writing** with respect to the
performance of its functions.

Act binds the State **6.** This Act binds the State.

PART II
ESTABLISHMENT AND ORGANIZATION OF THE WASTE
RECYCLING MANAGEMENT AUTHORITY

Establishment,
incorporation and
constitution of the
Authority **7.** (1) There is hereby established a body corporate to
be known as “the Waste Recycling Management
Authority” which shall be governed by a Board of
Directors consisting of the persons appointed in
accordance with this section.

(2) The President shall appoint—

(a) a Chairman; and

(b) eleven other members drawn from the
following disciplines and groups, namely:

(i) waste management;

(ii) environmental;

(iii) health;

(iv) engineering;

(v) business;

(vi) manufacturing;

(vii) public administration

(viii) economics;

(ix) law;

- (x) non-profit environmental and non-governmental organisations;
- (xi) the Trinidad and Tobago Manufacturers' Association; and
- (xii) the Trinidad and Tobago Chamber of Industry and Commerce.

(3) The Board shall appoint a Managing Director who shall be an *ex officio* member.

(4) A member, other than the Managing Director, shall be appointed for a term not exceeding five years, and under such terms and conditions of service, as the President may fix in the instrument of appointment.

(5) The Board shall select from among its members a Deputy Chairman.

(6) The Chairman may resign from office by an instrument in writing addressed to the Minister, and any other member, other than the Managing Director, may resign from office by an instrument in writing addressed to the Chairman.

(7) The President may at any time revoke the appointment of a member, other than the Managing Director, where that member—

- (a) behaves in such a manner that is likely to bring the Authority into disrepute;
- (b) fails, without reasonable excuse to carry out any of his duties in a responsible or timely manner;
- (c) is unable by reason of physical or mental incapacity to perform his duties;
- (d) becomes a bankrupt or compounds with his creditors; or
- (e) is otherwise unable or unfit to perform his duties.

(8) The office of a member, other than the Managing Director, shall become vacant where the—

- (a) member dies or resigns;
- (b) appointment of the member is revoked by the President;
- (c) member is absent from Trinidad and Tobago for more than six consecutive months without leave of the Minister; or
- (d) member fails to attend three consecutive meetings of the Board without reasonable excuse.

(9) Members, other than the Managing Director, shall be entitled to such remuneration and allowances as may be determined by the President.

(10) The names of members appointed to the Board shall be published in the *Gazette* and in at least one daily newspaper of general circulation.

Seal of the Authority

8. (1) The Seal of the Authority shall be kept in the custody of the Chairman, the Deputy Chairman or the Corporate Secretary, as the Board may determine, and may be affixed to instruments in the presence of the Chairman, or in the Chairman's absence, of the Deputy Chairman, and of the Corporate Secretary.

(2) The Seal of the Authority shall be attested by the signatures of the Chairman, or in the Chairman's absence, the Deputy Chairman, and the Corporate Secretary.

(3) All documents other than those required by law to be made under seal may be made by, and all decisions of the Board, may be signified under the hand of the Chairman, or in the Chairman's absence, the Deputy Chairman, or the Corporate Secretary.

9. (1) The Board shall meet at least once in each ^{Meetings} month and at such other times, and at such place as the Chairman determines is necessary for the efficient performance of its functions.

(2) The Chairman may at any time call a special meeting of the Board and shall call such meeting within seven days of the receipt of a requisition for that purpose addressed to the Chairman and signed by any three members of the Board.

(3) The Chairman, or in the Chairman's absence, the Deputy Chairman, shall preside at all meetings of the Board, and where both the Chairman and the Deputy Chairman are for any reason unable to preside at a meeting, the members present may appoint a member to preside at that meeting.

(4) The quorum of the Board shall consist of seven members.

(5) Decisions of the Board shall be adopted by a majority of the votes and in a case in which the voting is equal, the member presiding at the meeting shall, in addition to that member's original vote, have a casting vote.

(6) Minutes of each meeting of the Board shall be taken in proper form and kept by the Secretary, and shall be confirmed by the Board.

(7) Subject to this section, the Board may by resolution regulate its own proceedings.

10. The Authority may, either generally or on such ^{Delegation} terms and conditions as it thinks fit, delegate any of its functions or powers, except the power to delegate, to—

- (a) the Managing Director; or
- (b) any governmental entity.

11. (1) The Managing Director shall be entitled to such ^{Managing Director} salary, allowances and other conditions of service as the Board, with the approval of the Minister, may determine.

(2) The Managing Director shall implement the programmes of the Board.

(3) The Managing Director may, either generally or on such terms and conditions as he thinks fit, delegate to any officer of the Authority, by instrument in writing, such of his functions or powers as he thinks fit.

Appointment of
personnel

12. (1) The Board shall appoint a Corporate Secretary who shall be an officer of the Authority.

(2) The Authority shall employ such officers and other employees as it considers necessary on such terms and conditions as it thinks fit.

Limitation of
personal liability

13. No personal liability shall attach to any member, officer or employee of the Authority for—

(a) any act or omission of the Authority; or

(b) anything done, permitted to be done or omitted in good faith in the course of operations of the Authority.

Committees, working
groups and advisory
councils

14. (1) The Board may appoint such committees, working groups or advisory councils as it thinks fit to assist in the performance of its functions or to further the objects of this Act.

(2) Officers and employees of the Authority and other governmental entities shall co-operate fully with, and provide information requested by any committees, working groups or advisory councils established by the Board.

Annual Report

15. (1) The Chairman of the Board shall, not later than four months after the end of each financial year, submit to the Minister a report of the operations of the Authority during that financial year which shall include—

(a) a description of the activities of the Authority during that financial year and its plans and programmes for the current financial year;

- (b) an assessment of the diversion of recyclable materials from the waste stream;
- (c) copies of any reports submitted by the Trustees of the Fund as required under section 31(4); and
- (d) an accounting of the finances of the operation of the Authority.

(2) The Minister shall cause a copy of any report submitted pursuant to subsection (1) to be laid before Parliament within twenty-eight days of its receipt by the Minister, or if Parliament is not then in session, within twenty-eight days of the commencement of its next session.

PART III

FUNCTIONS AND POWERS OF THE AUTHORITY

16. The functions of the Authority are to—

General functions of
the Authority

- (a) implement and make recommendations for the improvement of the National Waste Recycling Policy;
- (b) develop plans and programmes to effect the efficient diversion of recyclable materials from the general waste stream;
- (c) make recommendations for the rationalization of all governmental entities performing waste management functions;
- (d) promote educational and public awareness programmes on recycling;
- (e) monitor compliance with the standard criteria and programmes developed consistent with the objects of this Act;
- (f) compile, analyse and disseminate data and information relating to the character and quantity of waste;

- (g) undertake research and studies by itself, or in cooperation with other institutions or persons, in relation to waste management;
- (h) make and determine policies, programmes and management plans and strategies for diverting recyclable materials from the general waste stream;
- (i) foster community involvement and encourage cooperation between public and private sectors in reducing the generation of waste;
- (j) perform such other functions as are prescribed; and
- (k) undertake anything incidental or conducive to the performance of any of the foregoing functions.

Powers of the
Authority

17. The Authority shall have power to—

- (a) establish deposit-refund systems for recyclable materials;
- (b) require the payment of charges and fees under such circumstances as may be prescribed;
- (c) enter into contracts;
- (d) employ consultants, experts and advisors from national, regional and international organizations;
- (e) establish and maintain a Resource Recovery Fund;
- (f) acquire, hold and dispose of real and personal property;
- (g) occupy, use and control any land or building owned or held under lease by any governmental entity and made available to the Authority for its purposes;

- (h) accept gifts, devises and bequests made to the Authority whether on trust or otherwise, and act as trustee of monies or other property vested in the Authority upon trust;
- (i) establish and coordinate institutional linkages locally, regionally and internationally in order to facilitate the efficient coordination of the implementation of an integrated waste recycling management system; and
- (j) do anything incidental to any of its powers.

18. (1) The Minister shall cause the National Waste Recycling Policy to be laid in the Parliament within six months of commencement of the Act. Revision of the National Waste Recycling Policy

(2) A Board shall review the Policy and submit its recommendations to the Minister at intervals of not more than ten years.

(3) In preparing its recommendations as provided in subsection (2), the Board shall develop a report which shall—

- (a) specify a priority list of products and materials that can be reused and recycled including those that could be managed through deposit-refund systems;
- (b) describe best available technologies in waste segregation, recycling, handling, collection and disposal;
- (c) describe socio-economic, health and environmental impacts;
- (d) specify the general waste character, quantity and method of disposal; and
- (e) identify the specific, economic and environmental benefits to be realized from the reuse or recycling of specific waste materials.

(4) The Board shall, on the basis of its report and its recommendations, prepare a Draft Revised Policy and submit it for public comment.

(5) After considering the comments of the public, the Board may amend the Draft Revised Policy and subsequently shall submit the Draft Revised Policy together with the report to the Minister.

(6) The Minister shall, within one month of the approval of the Policy submitted under subsection (5), cause the policy to be laid in Parliament.

PART IV

FINANCES OF THE AUTHORITY

19. The funds and resources of the Authority are—

Funds and resources
of the Authority

(a) such sums of money as may from time to time be appropriated by Parliament for the use of the Authority;

(b) sums borrowed by the Authority for the purpose of meeting any of its obligations or discharging any of its functions; and

(c) dues, charges and fees collected by the Authority in accordance with this Act.

20. The Authority shall be exempted from stamp duty, corporation tax, Customs duties, value added taxes, motor vehicles taxes, fees, charges, assessments, levies and imposts on any income or profits or on assets which are acquired for use by the Authority.

Exemption from
taxes

21. (1) Subject to the provisions of subsection (2), the Authority may borrow sums of monies required by it for meeting any of its obligation or discharging any of its functions.

Borrowing powers of
the Authority

(2) The power of the Authority to borrow shall be exercisable only through the Minister with the approval

of the Minister to whom the responsibility for finance has been assigned, as to—

- (a) the amount;
- (b) the source of borrowing; and
- (c) the terms on which the borrowing may be effected.

(3) An approval given for the purposes of subsection (2) may be either general or limited to a particular borrowing or otherwise, or may be either unconditional or subject to conditions.

(4) The Authority may not pledge its assets as security for any loan without the written approval of the Minister to whom responsibility for finance is assigned.

22. The Authority is a Statutory Authority for the purposes of the Guarantee of Loans (Statutory Authorities) Act, Chap. 71:81. Authority to be a Statutory Authority Chap. 71:81

23. Funds of the Authority which are not immediately Investments required to be expended in meeting any obligations or commitments may be invested in such manner as the Minister of Finance may approve.

24. (1) The Authority shall cause proper accounts and records of its transactions and affairs to be kept and shall ensure that all payments out of its funds are properly authorised and correctly made and that adequate control is maintained over the incurring of expenditure. Accounts and Records

(2) Accounts of the Authority shall be kept in accordance with accounting standards established by the Institute of Chartered Accountants of Trinidad and Tobago.

25. The accounts of the Authority shall be public Accounts and audits accounts for the purposes of section 116 of the Constitution.

Authority to submit estimates

26. The Authority shall, not later than the deadline date stipulated by the Minister of Finance in each year, prepare and submit to the Minister the estimates of revenue and expenditure of the Authority for the next financial year.

PART V RESOURCE RECOVERY FUND

Establishment and purposes of the Fund

27. There shall be established a Fund to be known as a “Resource Recovery Fund” to be used for the purposes of operating the deposit-refund system and other systems to encourage recycling.

Trustees of the Fund

28. (1) Five members of the Board including the members drawn from the business and manufacturing sectors but excluding the Managing Director shall be designated by the President to act as Trustees for the Fund and shall be responsible for its administration.

(2) Service as a Trustee shall terminate automatically at such time as a Trustee ceases to be a member of the Board.

Resources of the Fund

29. (1) The resources of the Fund shall consist of—

- (a) such sums of money as may be appropriated by Parliament for the operation of the Fund;
- (b) such sums of money which the Authority may collect as deposits under deposit-refund systems or in relation to other systems to encourage recycling;
- (c) such sums of money which are provided to the Authority or the Government of the Republic of Trinidad and Tobago by foreign States, international organisations, multilateral or bilateral lending agencies, private individuals, foundations, corporations or other entities to encourage recycling; and

(d) any other sums to which the Fund may make a lawful claim.

(2) The Fund shall be exempt from all taxes.

30. (1) All monies which comprise the Fund and which do not have to be immediately expended to meet any obligation may be invested in such a manner as the Trustees consider appropriate with the object of preserving the principal and achieving a reasonable rate of return and any such investment shall be approved by the Board and the Minister to whom the responsibility for finance has been assigned.

(2) The Trustees shall possess the authority necessary to undertake such investments as are authorised under subsection (1), including the power to buy and sell such securities or other obligations as the Board deems appropriate.

31. (1) The Trustees shall cause proper accounts and records of its transactions and affairs to be kept and shall ensure that all payment out of its funds are properly authorised and correctly made and that adequate control is maintained over the incurring of expenditure.

(2) Accounts of the Fund shall be kept in accordance with accounting standards established by the Institute of Chartered Accountants of Trinidad and Tobago.

(3) The accounts of the Fund shall be public accounts for the purposes of section 116 of the Constitution.

(4) The Trustees of the Fund shall, not later than three months after the end of each financial year, submit to the Board of Directors a report dealing generally with the proceedings and policies of the Fund during the preceding financial year and also containing

financial statements and any other information relating to the Fund and its support of activities through the Authority, as may be requested by the Board.

(5) The financial year of the Fund shall be 1st October to **30th** September in the following year.

(6) The Chairman of the Board shall submit to the Minister a copy of every report submitted under this section.

PART VI COMPLIANCE AND ENFORCEMENT

Designation of
authorised officers

32. (1) The Authority shall, by instrument in writing designate suitably qualified persons as authorised officers for the proper administration of the Act and shall furnish such person with a certification of his designation.

(2) A certification issued under subsection (1) is admissible in any court.

Powers of entry,
search and seizure

33. (1) Subject to subsection (2), an authorised officer may enter any premises for the purpose of determining compliance with this Act.

(2) An authorised officer shall not enter any premises or any part thereof without the consent of the owner or occupier of the premises, except under the authority of a warrant issued by a Magistrate.

(3) A warrant issued under subsection (2) shall authorise the persons named therein to enter the premises at any time of any day, within one month from the date of issuance of the warrant, accompanied by a constable, to determine compliance with this Act.

(4) An authorised officer under subsection (3) shall produce the warrant issued under subsection (2) before entering any premises and if requested, at any subsequent time.

(5) In the course of any entry under this section, an authorised officer may—

- (a) require any such person to produce for inspection any books, records, notification or other documents;
- (b) seize vehicles or other equipment which he has cause to suspect was used in connection with any contravention of this Act;
- (c) review and copy any documents or other records; or
- (d) take photographs or audio or visual recordings.

(6) Every authorised officer who executes a warrant issued under subsection (2) shall, not later than seven days after the seizure of any thing under that warrant, give to the owner of or person claiming an interest in the thing or owner or occupier of the place or thing searched, a written notice specifying the—

- (a) date and time of the execution of the warrant;
- (b) identity of the person who executed the warrant; and
- (c) things seized under the warrant.

PART VII REGULATIONS

34. (1) The Minister may, on the recommendation of ^{Regulations} the Authority, make regulations generally for giving effect to the provisions of this Act.

(2) Without limiting the generality of subsection (1), regulations may provide for—

- (a) the appointment of committees of the Authority to advise the Authority on such matters as are prescribed;

- (b) deposit-refund systems for empty beverage containers, used lead-acid batteries, waste tyres and electronic equipment and other materials and products;
- (c) the payment of deposit and fees in relation to deposit-refund systems;
- (d) the establishment of waste collection centres and materials recovery facilities;
- (e) systems for curbside source separation of recyclable and reusable materials;
- (f) the form and manner of issuing of any permits, licences or certificates or any other forms of authorisation;
- (g) prescribing fees to be paid to the Authority; and
- (h) anything necessary or expedient to give effect to the provisions of this Act.

(3) A deposit paid in relation to a deposit-refund system shall be exempt from all taxes.

(4) Any regulations made under this Act may prescribe that any contravention thereof shall constitute an offence punishable on summary conviction by a fine not exceeding five million dollars and imprisonment of not more than two years.

(5) Any regulations made under this Act shall be subject to negative resolution of Parliament.

PART VIII

MISCELLANEOUS

Service of documents **35.** Service upon the Authority of any notice, order or other document shall be effected by delivering the same, or by sending it by registered post, addressed to the Managing Director, at the office of the Authority.

36. (1) A person involved in the administration of this Act shall keep confidential all facts, information and records obtained or furnished under this Act, except in so far as public duty requires or this Act or any other written law permits the person to disclose them or report or take official action on them. Confidentiality

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to eight years imprisonment.

37. (1) Any person who is aggrieved by the decision of the Authority may appeal to the Commission. Appeals to the Environmental Commission

(2) In appeals involving the Authority, there shall be a presumption of regularity with regard to findings of fact by the Authority, and such findings shall not be reversed unless the appellant affirmatively demonstrates that there is no substantial evidence supporting such findings of fact.

(3) The Commission may dispose of an appeal by—

(a) dismissing it;

(b) allowing it;

(c) allowing it and modifying the decisions or action of the Authority; or

(d) allowing it and referring the decision or action back to the Authority for consideration.

(4) The decision of the Commission is final on a question of fact, however, an appeal shall lie on any question of law to the Court of Appeal upon entry of a final judgement by the Commission.

38. (1) The Attorney General shall have the power to intervene in any proceedings before the Environmental Commission as the official representative of the Government of Trinidad and Tobago. Intervention by the Attorney General

(2) Where the Authority is a party in a case in which the Attorney General intervenes as authorised in subsection (1), the Authority may continue to be represented by its own counsel.

Conflict of interest

39. (1) Where any employee of the Authority, any member of the Board, any Trustee for the Fund or authorised officer, has any actual or reasonably perceived interest in a matter which would otherwise come before such individual as part of the consideration or other action to be taken by the Authority, whether such interest is direct or indirect or arises because of a potential financial interest or an immediate family relationship, such member of the Board, Trustee, employee or authorised officer shall declare the nature of such interest at the first practicable opportunity.

(2) In any instance which arises under subsection (1), such member of the Board, Trustee, employee or authorised officer shall not vote or otherwise participate in the decision making process, or attempt to influence in any way the decision or action taken or to be taken by the Authority, with respect to such matter.

(3) If any action has already been taken by the Board or the Authority before such interest has been identified or disclosed, the action taken shall be subject to reconsideration by the Board or the Authority.

(4) Any member of the Board, Trustee, employee of the Authority, or authorised officer who knowingly violates the requirements of this section, commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and imprisonment for up to two years.

Passed in the House of Representatives this 20th day of May, 2015.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of ,2015.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 9 of 2015

FIFTH SESSION
TENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to provide for the establishment of a Waste Recycling Management Authority and a Resource Recovery Fund to facilitate the efficient coordination of the implementation of a waste recycling system that would protect human health and the environment and matters related thereto.

Received and read the

First time

Second time

Third time
