

Under the Bill, plans to construct, alter or close solid waste management facilities like landfills, incinerators and recycling plants must be approved by the Director-General of Solid Waste and Public Cleansing

SOLID WASTE FACILITIES

- Plans to construct, alter or close solid waste management facilities like landfills, incinerators and recycling plants must be approved by the Director-General of Solid Waste and Public Cleansing.
- Not following approved plans or building and altering without permission could result in a fine of up to RM100,000 or jail of up to five years, or both.
- The court can order changes to be made to unapproved alterations. Failure to comply could result in a fine of up to RM100,000 or up to five years in jail, or both.
- The offender can be fined up to RM5,000 for each day he continues committing the offence after conviction.
- A person can be fined between RM100,000 and RM500,000 or jailed up to five years or both, for closing a facility without approval.

LICENSING

- Everyone who provides solid waste management services ♦ from collecting and transporting waste to storing, recycling and disposing ♦ must be licensed.
- The minister can exempt someone from this requirement but the person is still obliged to comply with duties of a licensee.
- Licence applications are made to the DG and submitted to Solid Waste and Public Cleansing Management Corporation.
- The corporation recommends to the DG to accept or reject applications.
- The DG can impose conditions on licensees that cover things like frequency and area of service, types of waste handled and where it is to be delivered.
- Failure to comply with conditions can be met with a fine between RM25,000 and RM50,000 or jail term of up to two years, or both. The offender can be fined RM2,500 for each day for a continuing offence.
- A licence can be suspended or revoked for failure to comply with the Act or conditions, and for improperly obtaining licence, among others.
- If this happens, there will be no compensation of refund of licence fees. The DG can also ask a licensee who has been suspended, to remedy the breach.
- A register of licences containing details of licensees will be maintained. Anyone can get an extract, for a fee.

CHARGES

- The minister has the power to prescribe charges for solid waste management as a separate payment or as a consolidated rate.
- The minister authorises the party that collects payments.
- The authorised persons must maintain records of payments and collections and can be fined or jailed if they fail to.
- These authorised persons can collect fees due to them and recover any late payments from the people they service like home and building owners, occupiers or local authorities.
- They can recover fees owed to them by asking for it in a written notice.
- If payment is not made after two written notices are issued over a 28-day period, the authorised person can take the case to the Tribunal for Solid Waste Management.
- A person who fails to pay fees without any reasonable excuse can be fined up to RM5,000 and RM50 for each day he continues the offence after his conviction.

TRIBUNAL

align="justify">The tribunal can decide on claims where the total amount of awards sought is RM50,000 or less. It can hear claims that involve higher amounts only if the parties agree to this in writing.
</div><div align="justify">Claimants can forego the amount exceeding RM50,000 in order to bring the case within the jurisdiction of the tribunal. But a person cannot make multiple claims against the same party on the same matter.
</div><div align="justify">Any interested person ♦ the Corporation, licensee, owner, occupier, local authority and solid waste generator ♦ can start proceedings in the tribunal by lodging a claim and paying a fee.
</div><div align="justify">A claim can be made for any matter concerning interests, loss or damage incurred and recovery of fees, levies and charges.
</div><div align="justify">The claim must be brought to the tribunal within three years of the dispute
</div><div align="justify">Parties in a case cannot be represented by lawyers unless the tribunal decides that the question involves complex issues of law and one party will suffer severe financial hardship if not properly represented.
</div><div align="justify">Those who fail to comply with a tribunal award can be fined between RM5,000 and RM10,000, or jailed for up to two years or both.
</div><div align="justify">All proceedings shall be open to the public</div><p align="justify">TROUBLED LICENSEES</p><div align="justify">The act allows the corporation to march in and take over in the event a licensee becomes insolvent or has suspended payment to the extent that operations are jeopardised.
</div><div align="justify">If this takes place, the corporation has powers to remove officers or directors of the licensee and appoint new ones.
</div><div align="justify">These steps can only be taken with the agreement of the minister.</div><p align="justify">
CONTROL OF WASTE GENERATORS</p><div align="justify">The Act prohibits an unauthorised person from depositing, transporting, separating or keeping solid waste. If found guilty, a person can be fined between RM10,000 and RM100,000 or jailed between six months and five years, or both.</div><div align="justify">No one should cause, aid, abet or permit the escape of solid waste from their possession. A person can be fined between RM10,000 and RM100,000 or jailed for up to five years, or both for such and offence.
</div><div align="justify">No one, unless licenced, is allowed to sort through waste in a receptacle which is meant to be emptied. Charity groups doing recycling can be exempted.
</div><div align="justify">The DG can direct an owner/occupier of land or premise, the person who deposited waste or the waste generator to remove any waste that has been illegally deposited.
</div><div align="justify">If this is not done, the DG can ask that any other authorised person to do it and recover the cost from the owner/occupier to the land, the person who deposited the waste and the solid waste generator.</div><p align="justify">
POWERS of ENFORCEMENT</p><div align="justify">The DG can make a written complaint to a magistrate if a solid waste management facility was installed or built without approval before the act came into force. The Magistrate can summon the facility owner/occupier to court.</div><p align="justify">
THE 3Rs</p><div align="justify">The minister can make orders requiring anyone to reduce the amount of waste generated, and to reuse and recycle.
</div><div align="justify">Failure to comply can result in fine of up to RM10,000 or a jail term of up to six months, or both.
</div><div align="justify">The minister may require specific products to be taken back by the manufacturer, assembler or importer after the goods are used. They may also be obliged to recycle or dispose of these goods at their own cost.
</div><div align="justify">The minister can also establish

Written by Administrator

Monday, 14 September 2009 14:16 -

a take back system and a deposit refund system.

Offences under this section are punishable by a fine up to RM10,000 or jail up to six months or both.

SOLID WASTE and PUBLIC CLEANSING MANAGEMENT FUND

The minister can establish this fund that will be controlled by the corporation

Contributions will come from state governments and local authorities, charges, fees and levies and federal government allocation.

It will be used to pay for the cost incurred by the agreements the federal government makes with any party regarding services.

source : New Straits Times

8 July 2007