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COMMONWEALTH OF DOMINICA

ACT No. 17 OF 1996



I assent

C.A. SORHAINDO
President

15th January, 1997

AN ACT TO ESTABLISH A SOLID WASTE MANAGEMENT CORPORATION WITH THE RESPONSIBILITY OF DEVELOPING SOLID WASTE MANAGEMENT FACILITIES FOR STORAGE, COLLECTION, TREATMENT AND DISPOSAL OF SOLID WASTE AND FOR MATTERS INCIDENTAL THERETO.

(Gazetted 16th January, 1997.)

BE IT ENACTED by the Parliament of the Commonwealth of Dominica as follows:

1. This Act may be cited as the –

Short title.

SOLID WASTE MANAGEMENT
CORPORATION ACT 1996.

Interpretation.

2. In this Act –

“Chairman” means the Chairman of the Corporation and includes any person for the time being performing the functions of Chairman;

“Comptroller” means the Comptroller of Customs appointed by the President under section 86 of the Constitution;

“Corporation” means the Dominica Solid Waste Management Corporation established under section 3;

“financial year” means the twelve months ending on the 30th day of June in any year;

“hazardous waste” means any solid or liquid material or product, or a combination of solid and liquid materials or products that contain highly persistent chemical elements and compounds that are likely to be hazardous to human health and the environment;

“Minister” means the Minister responsible for Health;

“OECS” means Organisation of Eastern Caribbean States;

“solid waste” means residential, industrial, commercial, institutional, ship-generated and special waste;

“special waste” means waste which require special handling.

Establishment of
Corporation.

3. (1) There is hereby established a Corporation which shall be –

Seal.

(a) a body corporate by the name of the Dominica Solid Waste Management Corporation, with perpetual succession and a common seal;

(b) capable of suing and being sued in its corporate name; and

(c) capable of holding, purchasing and otherwise acquiring and disposing of any property, movable or immovable for the purpose of carrying out its functions under this Act.

MANAGEMENT CORPORATION

(2) The provisions of Schedule I to this Act shall have effect with respect to the constitution and proceedings of the Corporation. Schedule I.

(3) There shall be established, solely for the benefit of the Corporation, an account in the National Commercial Bank of Dominica, or any other bank approved by the Minister. Bank account.

4. Subject to the provisions of this Act, the Corporation may with the approval of the Minister, delegate to any member or committee of the Corporation the power to carry out on its behalf any function of the Corporation. Power of the Corporation to delegate.

5. The Corporation's functions are to – Functions of the Corporation.
- (a) provide storage facilities for solid waste;
 - (b) to procure equipment for the collection, transportation and disposal of solid waste;
 - (c) provide collection and storage facilities at ports, harbours and anchorages for the reception of ship-generated wastes;
 - (d) procure the equipment necessary to transport ship-generated waste to the final disposal site;
 - (e) convert existing dumps into sanitary landfill sites;
 - (f) develop and manage new sanitary landfill sites and other disposal methods;
 - (g) provide facilities for the treatment and disposal of medical and hazardous wastes;
 - (h) introduce measures to encourage recovery of recyclable items from solid waste;
 - (i) introduce cost recovery methods for services provided by the Corporation;
 - (j) prepare plans and programmes to address the problems of solid waste management in the State;

- (k) oversee the management of all solid waste collection and disposal systems in the State, and
- (l) manage and direct the implementation of the OECS Waste Management Project and any other regional and international project activities.

Directions as to
policy.

6. (1) The Minister may after consultation with the Chairman give to the Corporation any written direction concerning the policy to be followed by the Corporation in the performance of its functions as appears to the Minister to be necessary in the public interest.

(2) The Corporation shall give effect to any direction given by the Minister under subsection (1).

Application of
Public Health Act.
No. 15 of 1968.

7. In the performance of its functions the Corporation shall comply with the provisions of the Public Health Act 1968 and any other Act relating to public health and the environment.

Funds and
resources of the
Corporation.

8. The funds and resources of the Corporation shall consist of –

- (a) such sums as may be provided by the Government for the purpose;
- (b) any grant made to the Corporation by the Government or, with the approval of the Minister, by any person, body or international organisation;
- (c) such sums as may from time to time accrue to the Corporation on account of payments, fees, charges, rent and interest for services provided;
- (d) all other monies and other property which may in any manner become payable to, or vested in the Corporation in respect of any matter incidental to its functions;
- (e) monies borrowed by the Corporation pursuant to section 9 for the purpose of meeting any of its obligations or performing any of its functions.

MANAGEMENT CORPORATION

9. (1) Subject to the provisions of subsection (2), the Corporation may borrow monies required by it for meeting any of its obligations or performing any of its functions. Borrowing powers.

(2) The power of the Corporation to borrow monies under subsection (1) shall be exercised only with the prior approval of the Minister responsible for Finance.

10. (1) The Corporation shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by such persons as the Corporation with the approval of the Minister appoints. Accounts and audit.

(2) Subsection (1) does not derogate from the Director of Audit's powers conferred upon him by any other law.

11. (1) The Corporation shall prepare and present an annual report to the Minister within four months after the expiration of every financial year. Annual report.

(2) The annual report shall contain the activities of the Corporation during the last financial year and must include a statement of its audited account in accordance with the provisions of section 10.

(3) The Minister shall as soon as possible after receiving any report in accordance with subsection (1), lay a copy thereof before the House of Assembly.

(4) A copy of the Corporation's annual report shall be published in the *Gazette*.

12. A member of the Corporation who is directly or indirectly interested in a contract made or proposed to be made by the Corporation – Disclosure of interest.

- (a) shall disclose the nature of his interest at a meeting of the Corporation; and
- (b) shall absent himself from any meeting of the Corporation at which the contract is being discussed.

MANAGEMENT CORPORATION

Liability of
members.

13. (1) A member of the Corporation shall not be personally liable for any act or default of the Corporation done or omitted to be done in good faith in the course of the operation of the Corporation.

(2) Where any member of the Corporation is exempt from liability by reason only of the provisions of this section the Corporation is liable to the extent that it would be if the member was a servant or agent of the Corporation.

Environmental
levy.
Schedule 2.

14. (1) An environmental levy is hereby imposed on each visitor to the State as provided in Schedule 2.

(2) The levy imposed by subsection (1) shall be collected by the Comptroller or by an agent thereof and paid to the Corporation on or before the twenty-first day of the month following the month in which the collection was made.

(3) For the purpose of this section "visitor" means a person who arrives in the State, whether by air or by sea, for the purpose of business or vacation and is admitted to remain for a day, or part thereof, or any longer period.

(4) The Minister shall cause a notice of the appointment of any person or entity as an agent under subsection (2) to be published in the *Gazette*.

Haulage fee.

15. (1) There shall be a haulage fee which shall be paid to the Corporation by any person at whose request the Corporation hauls or transports waste to a sanitary landfill or elsewhere.

Schedule 2.

(2) The haulage fee shall be charged and paid at the rate provided in Schedule 2.

Tipping fee.

16. (1) There shall be a fee known as a tipping fee which shall be paid to the Corporation by any person at whose request the Corporation unloads any container of solid waste on to the sanitary landfill site.

Schedule 2.

(2) The tipping fee shall be charged and paid at the rate provided in Schedule 2.

17. Any person who –Offences and
penalties.

- (a) removes any solid waste from a sanitary landfill site or from any place under the control of the Corporation;
- (b) interferes or tampers with the operation of any sanitary landfill site or any place under the control of the Corporation;
- (c) assaults, obstructs or otherwise interferes with any person in the execution of his or her functions or duties under this Act; or
- (d) knowingly supplies any false or misleading information with respect to any levy or fee payable under this Act,

commits an offence and is liable on summary conviction –

- (i) in the case of an individual, to a fine of five thousand dollars and to imprisonment for six months; or
- (ii) in the case of a company or an agent or employee of a company, to a fine of ten thousand dollars.

18. The Minister may after consultation with the Corporation make Regulations for the proper carrying out of the provisions and purposes of this Act and without prejudice to the generality of the foregoing make Regulations –

Regulations.

- (a) developing administrative procedures to govern the Corporation;
- (b) declaring the opening or closing of solid waste disposal sites;
- (c) concerning the frequency of solid waste collection and the type of waste collected.

19. The Minister may by Order amend Schedule 2 from time to time.

Schedule 2.

Corporation not
servant or agent of
the State.

20. (1) It is hereby declared that the Corporation is not the servant or agent of the State.

(2) Notwithstanding subsection (1) the Corporation shall be exempt from tax, duty, rate, levy or any other charge whatsoever.

Transitional.

21. All real and personal property which immediately before the commencement of this Act was vested in or belonged to the Ministry of Health for purposes of the collection and disposal of refuse is hereby vested in the Corporation without conveyance, transfer or assignment and, subject to the provisions of this Act, shall be held by the Corporation for the same purposes as it was held immediately before the commencement of this Act.

Commencement.

22. This Act is deemed to have come into force on the 1st day of July, 1996.

(Section 3).

SCHEDULE 1

Constitution of the
Corporation.

1. (1) The Corporation shall consist of the following seven members –

- (a) the Permanent Secretary, Ministry of Health who shall be the Chairman;
- (b) a senior representative of the Ministry of Finance;
- (c) the General Manager of the Dominica Port Authority;
- (d) a senior representative of the Ministry of Agriculture and Environment;
- (e) a legal officer from the Attorney General's Chambers;
and
- (f) two other persons appointed by the Minister.

(2) Every member of the Corporation appointed by the Minister shall, subject to the provisions of this Schedule, hold office for a period not exceeding three years as the Minister may direct and shall be eligible for re-appointment.

(3) Every member of the Corporation shall be paid the remuneration and allowances specified by the Minister.

(4) Every member of the Corporation appointed by the Minister shall be appointed by Instrument in writing which shall be published in the *Gazette*.

2. (1) The Chairman and three other members shall form a quorum. Quorum.

(2) In the case of an equality of votes on any question at any meeting of the Corporation the Chairman shall have a casting vote as well as a deliberative vote in respect of that question.

3. The Minister may at any time revoke the appointment of any member of the Corporation except the members appointed by virtue of section 1(1)(a) and (c) if he thinks it expedient to do so. Revocation of appointments.

4. Subject to the provisions of this Schedule the Corporation shall have the power to regulate its own proceedings. Regulate own proceedings.

5. (1) (a) The Corporation may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a Solid Waste Manager, an accountant, a secretary and other officers, servants and agents as it thinks necessary for the proper performance of its functions. Appointment of officers, servants and agents.

(b) The accountant and secretary must be skilled in the use and operation of computers.

(2) Notwithstanding subsection (1) –

(a) a person shall not be appointed Solid Waste Manager, Accountant or Secretary without the prior written approval of the Minister; and

(b) salary in excess of any sum as the Minister may determine and notified in writing to the Corporation shall not be assigned to any post without the prior approval of the Minister.

6. (1) The Public Service Commission may subject to such conditions as may be imposed, approve the appointment of any public officer to any office of the Corporation, subject to the consent of that public officer. Transfer of public officers.

(2) Where any member of the public service is appointed to the Corporation, that public officer shall, in relation to pension, gratuity or other allowances and rights as a public officer, be treated as continuing in the service of the Government.

Power to appoint
sub-committee.

7. The Corporation may appoint a sub-committee or co-opt any one or more persons to attend meetings of the Corporation for the purpose of assisting or advising the Corporation, but no such co-opted person shall have any right to vote.

(Sections 14, 15 &
16).

SCHEDULE 2

	US\$	EC\$
(a) Environmental levy: per visitor .	1.50	4.00
(b) Haulage fee: per ton	35.00	94.50
(c) Tipping fee: per ton –		
(i) for disposal of ship or aircraft generated waste	40.00	108.00
(ii) for individual, commercial and institutional waste, except special waste such as waste generated by hospitals, doctors, clinics or laboratories (both public and private)	20.00	54.00

Passed in the House of Assembly this 22nd day of October,
1996.

M. ALBERTHA JNO. BAPTISTE
Clerk of the House of Assembly.

DOMINICA

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