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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

PROVINCIAL COUNCIL OF CENTRAL PROVINCIAL

Establishment of Waste Management Authority No. 04 of 2017 of the Central Provincial Council

I do hereby notify the General Public the above Statute resolved in the Central Provincial Council of the Democratic Socialist Republic of Sri Lanka on 22.05.2018 and approved by the Hon. Governor of the Central Provincial Council on 05.10.2018.

SARATH EKANAYAKE,
Chief Ministry and Ministry of Finance and Planning,
Law and Order, Local Government and Provincial Administration,
Manpower, Education, Cultural Affairs,
Tourism, Lands, Co - operative Development,
Trade and Commerce, Food Supplies and Distributional Affairs Environment,
Investment Co - ordination and the Ministry of subjects not come under other Ministry.

Office of the Chief Minister,
Provincial Council Complex,
Pallekele,
Kundasale.
08th Day of October 2018.

Democratic Socialist Republic of Sri Lanka

Central Provincial Council

Chief Ministry and Ministry of Finance and Planning, Law and Order, Local Government and Provincial Administration, Manpower, Education, Cultural Affairs, Tourism, Lands, Cooperative Development, Trade & Commerce, Food Supplies and Distributional Affairs and Investment Coordination of the Central Province.



Central Province

Solid Waste Management Authority Statute No. 04 of 2017

A Statute to provide for the establishment of a Solid Waste Management Authority for the Central Province, for the management of collection, segregation, transportation, transfer, treatment and regulating the disposal of waste materials collected by the Local Government Institutions, with co-ordination from them and for the other matters connected therewith repealing the provisions for aforesaid functions.

Be it enacted by the Central Provincial Council of the Central Province of the Democratic Socialist Republic of Sri Lanka, as follows:

Short Title and
the date of
operation

01. This Statute may be cited as the Central Province Solid Waste Management Statute No. 04 of 2017 and shall after receiving Governor's assent, come in to operation on such date published in the *Gazette* (hereinafter referred to as "the appointed date").

Part I

Incorporation of the Solid Waste Management Authority of the Central Province

Members of the
Authority

2. (I) There shall be established an Authority, which shall be called the Solid Waste Management Statute of the Central Province, hereinafter referred to as the "Authority".
- (II) The Authority shall, by the name assigned to it by sub Section (I) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.
3. (I) The Authority shall consist of the following members.
- (I) Six ex – officio members namely,
- The Chief Secretary of the Central Province or a Deputy Secretary nominated by him.
 - The Secretary to the Ministry charged with the subject of Local Government or an officer nominated by him.
 - The Commissioner of Local Government, Central Province.
 - The Deputy Secretary (Finance) to the Central Province.
 - The Secretary to the Ministry charged with the subject of Environment or an officer nominated by him.
 - Legal Officer of the Central Provincial Council and,
- (II) Two members appointed by the Minister namely,
- Among people, have specialist knowledge and experience in Waste Management.

b) One Mayor to represent all the Municipal Councils of Central Province, one Urban Council Chairman to represent all the Urban Councils and one Pradeshiya Sabha Chairman to represent all the Pradeshiya Sabha.

(III) The members of the Authority shall be appointed by formal appointment letters signed by the Minister. All such appointments should be published in the Government *Gazette*.

(IV) Persons appointed under sub Section (II) shall not be share holders or members of the Board of Directors or advisors of any companies connected with Waste Management activities.

2. One person from among the members appointed by the Minister shall be appointed as the Chairman of the Authority.

Chairman of the Authority

3. The office period of the Chairman counts up to the time he hold the membership in the Authority and till he get the commend of the Minister.

4. I) The Minister may appoint a member for acting performance from them as the Chairman, when he has fallen sick, leaving out of the Island or for some other reasons, for a temporary period.

Completion of Chairman's office period

II) The post of the Chairman shall be terminated for one or more reasons mentioned below:

- a) Not qualified to be a member of the Authority under Section 4.
- b) Resignation making through a letter with own signature.
- c) Removal by the Minister, mentioning the reasons.
- d) By death.

4. Any person,

(1) If being a Member of Parliament, a Member of Provincial Council or a Member of Local Government Institution.

(2) If not being a citizen of Sri Lanka.

(3) If being decided by a recognized Board of Medical Professionals a person with mental disorders or become fully indisposed.

(4) If being declared convicted person under criminal code enacted in Sri Lanka or in any country and a person not released from such situation.

(5) If being a person penalized by a Court of Law in Sri Lanka or in any country and being imprisoned.

(6) If being charged with some offenses relating bribery.

Is not qualified to be as a member or appointed as a member of the Authority.

5. The Minister may, from time to time to determine the remuneration that may be paid to members for each meeting of the Authority they attends.

Remuneration for meeting attended

6. 1) The seal of the Authority shall be in the custody of the Chairman.

Seal of the Authority

- (2) The seal of the Authority may be altered in such manner as may be determined by the Authority.
- (3) The seal of the Authority shall not be affixed to any instrument or document, except in the presence of two members of the Authority, both of whom shall sign such instrument or document in token of their presence.
7. (1) Every meeting shall be presided over by the Chairman of the Authority. In case of absence of the Chairman for certain meeting, one member among present can be appointed as the Chairman with majority consent of the members present, only for such meeting.
- Meeting of the Authority
- (2) The quorum for any meeting of the Authority shall be seven members.
- (3) All the matters required to be determined in the meeting of the Authority and shall be decided by the vote of majority of the members present at a meeting of the Authority.
- (4) In case of any equality of votes among members at a meeting, in addition to his first vote, the Chairman shall have a casting vote.
- (5) All acts, determined in meetings of the Authority, when found a member was elected or nominated found to be an unqualified person, shall be treated as qualified member and all acts executed in meetings so far held, shall be valid thereof.
- (6) No act or proceeding of the Authority shall be invalid by reason only of the existence of vacancies amongst its members.
8. Every ex – officio member shall hold the office as the member of the Authority, until he hold the post, he represent the Authority as ex – officio.
- Office period of ex-officio members

Part II

Objects, Powers and Functions of the Authority

9. The objectives of the Authority shall be,
- Objectives of the Authority
- (1) To make provisions for the maintenance of a clean atmosphere for the well being of the public of the Province as well as the fauna and flora, preventing the accumulation of solid waste in the environment, conserving the environment in the Central Province.
- (2) Preparation of plans to minimize the hazards caused by the solid waste materials, disposal of waste generated within the authority areas of Central Province, without making harms to the environment and health, regulating the transportation, advising and evaluating, in co-ordination with the local authorities and other institutions with similar interest and determine evaluate the hazardousness that may be caused, with a view to adopting necessary procedure for the prevention thereof.
- (3) Conducting researches on the re-use and recycling of waste.
- (4) Planning and implementation of plans with the view to redeeming the places, areas and zones that have been polluted due to injudicious disposal of waste.

10. The Powers of the Authority shall have to,

- (1) Co-ordination with local authorities of the Central Province, relating the solid waste management within the Province and implementation of programmes related thereof.
- (2) Implementation of recycling projects of solid waste management with the intention of conservation of environment.
- (3) Conducting researches, collecting data and tendering reports to minimize on matters relating to the generation of solid waste on its contents, segregation, collection, transportation, treatment and disposal.
- (4) Charging fees for service and facilities provided by the Authority.
- (5) Imposing, implementing and supervising general procedures adopted by the local authorities on waste management.
- (6) Entering in to agreements which are needed to activate the powers and duties of the Authority.
- (7) Acquiring, holding, obtaining on lease or rent, mortgage, pledge, sell or otherwise disposal of any moveable or immovable properties.
- (8) Determining certain posts that the Authority may consider necessary to effectively carry out its functions according to the laws in force, and prepare procedures for recruitment and code of discipline.
- (9) In accordance to the existing law and where appropriate, obtaining foreign technology and funds.
- (10) Investigate complaints made by the General Public, local authorities or any other institutions in relation to any violation of rules and regulations on waste management and to take appropriate action accordingly.
- (11) Aware of General Public and local authorities on waste management.
- (12) Under the laws in force, conservation of environment.
- (13) Determine the posts and its capabilities according to the Government laws and regulations in force to the performance of the Authority.

Powers and
Functions of
the Authority

Part III

Staff of the Authority

11. The Authority reserve the powers to execute the duties according to the laws and regulations prevailing, to determine the staff required to perform the duties of the Authority.
12. (1) A General Manager, who possess qualifications according to the recruitment] procedures, shall be appointed with the consent of the Minister and the approval of the Authority.
(2) The General Manager shall be the Chief Administrative Officer of the Authority. The General Manager shall assigned with the responsibilities to perform the duties of the recruitment procedure of the Authority.

Staff of the
Authority

General
Manager

- (3) The General Manager shall be entrusted with other powers and duties by the Chairman, considered to be needed for the development of the Authority from time to time.
13. According to the provisions mentioned in Section 11, the Authority is empowered with,
- (1) To comply of recruitment procedure, contained with all appointments, promotions, educational, professional and other qualifications of the staff, allowances and salary scales under the approval of the Board of Minister of the Central Provincial Council sending for approval of such institutions.
 - (2) Imposition of rules and regulations for personnel management including disciplinary control, general conduct and leave .
 - (3) Creating development systems for the improvement of the efficiency of staff.
 - (4) Implementation of a Provident Fund scheme, payment of consolidated fund and payment of special allowances decided by the Authority.
 - (5) Implementation of a welfare scheme for the staff of the Authority.
14. I. The Authority is empowered with to recruit servants under the provisions mentioned in Section 11.
- Powers of the General Manager 15. (1) To achieve the goals of the Authority, the officers shall be utilized, maintaining monitoring, supervising and controlling plans under the provisions of the Authority.
- (2) Identifying new development and creative fields to achieve the goals of this Statute in a most effective manner for waste management in future, preparing and implementing law procedures relating to the national policies.
 - (3) Entering in to agreements with parties concerned for the conservation of Authority's property and administration.
- Transitional of powers of the General 16. Some of the powers and duties of the General Manager, as he thinks, may assigned in written form to suitable staff officers.

Part IV

Finance

- Accounts of the Authority 17. 1) The Authority shall have its own account.
- 2) Shall be created all sums to the Authority's account, mentioned below.
- (I) All sums of money as may be received or charged by the Authority in the exercise, performance and discharge of powers, functions and duties of the Authority.
 - (II) All such sums of money as may be voted by the Central Government or Provincial Council.
 - (III) All such sums of money as may be received or charged by the Authority as local and foreign grants, donations, gifts and loans.
 - (IV) All such sums of money as may be received or charged by the Authority in performing of activities.

- (V) All such sums of money as may be charged fines and legal costs on events of contravenes the provisions of this Statute, tabled by the Authority.
- (VI) Maintenance and operation of accounts shall comply with the provisions of this Statute and the Provincial Fund shall be maintained under the provisions of Provincial Council Act, No. 42 of 1987.
18. The General Manager shall reserve the responsibility relating to the receipts and payments of sums of the Authority's account. General enquiries of receipt and payments
19. There shall be paid under mentioned expenditures out of the account of the Authority. Usage of funds of the Authority
- (1) Authority members' allowances.
- (2) All such sums of money may be incurred by the Authority, in the exercise, discharge of powers, functions and duties of the Authority.
- (3) All such sums of money payment of remunerations, payments and allowances of the officers and servants of the Authority.
- (4) All such sums of money required for the management activities and duties of the Authority.
20. (1) The Authority shall reserve the power to obtain loans with prior approval of the Board of Ministers of the Province to achieve the goals of the Authority. The conditions such as amount of loans, period of settlement, control of loans and the institutions loan obtainable, shall be as per the decision of the Board of Ministers of the Province. Loans of the Authority
21. The financial year of the Authority shall be the calendar year. Financial Year of the Authority
22. (1) The Authority's income and expenditure, assets and liabilities and all financial transactions shall be audited by the Government Auditor General's Department from time to time. The Central Province Director of Audit too can attend audit matters when required. Audit of Accounts of the Authority
- (2) The income and expenditure account and the assets and liabilities in respect of each financial year, shall be submitted to the Auditor General, not exceeding three months after the end of financial year. Qualified auditor or auditors' assistance shall be obtainable to help in audit process. They should act under the auditor's control.
- (3) All expenditures incurred by the auditors on auditing, which shall decided by the Chairman / General Manager or requested by the audit unit, shall be payable from the Authority's fund. After deducting such amount given to the qualified auditor by the Authority, the balance amount shall be credited to the Sri Lanka joint account.
- (4) There shall be permission to check all the books, deeds, agreements, accounts, vouchers and all documents related to the auditor and his assistants who support in his auditing process, and the Authority or the officers shall be provided with details whatever concern, to them.
- (5) Under this Section qualified auditor means,
- (I) Persons of member of the Sri Lanka Institute of Chartered Accountants or a certificate holder of a legally recognized firm to function as an accountant.
- (II) Holder of a certificate, issued by a Council of an institution, to function as an accountant, with
- (III) Member of Sri Lanka Institute of Chartered Accountants or legally recognized other institutes, holding the partnership of an Accountants' Firm.

23. (1) The Auditor, checking the accounts of the Authority and,

- (I) Shall notify that all details and clarifications required were in receipt or not in receipt,
- (II) Shall notify that whether the account reports were prepared accordingly to exhibit the activities of the Authority are true and,
- (III) According to his view, he can be forward a report to seek the attention of the Provincial Council on matters related to the accounts viewed with interest, if available any inquiries to be clarified.
- (IV) Shall forward his report along with the accounts, to the Chairman.

Accounts
Reports and
Annual Reports

24. On receipt of the Auditor General's report, in respect of every year, the Chairman shall cause that report, audited accounts of the assets and liabilities, statement on the activities of the Authority, to the Minister in charge of Local Government and the copies of the reports and documents, shall make arrangement to be tabled within 03 months after end of a financial year, before the Provincial Council.

Part V

General Provisions

Powers to make
rules

25. (1) The Minister, may for the purpose of implementing, enacting the provisions of this Statute, make rules.

Protection for
actions taken
under this
Statute

- (2) Shall make rules without prejudice to the generality powers conferred in sub Section I, in respect of all or any of the following matters.
- (3) Any expenditure incurred by any person referred to in sub Section 1 in any suit or prosecution brought against him before any court in respect of any act which is done or is purported to be done by him under this Statute or on the direction of the Authority shall, if the Court holds that such act was done in good faith, be paid out of the fund of the Authority.

26. (1) Expenditures incurred on civil or criminal case prosecutions against the Authority shall be paid out of Authority's accounts. All expenditures or compensations charged by the Authority from such cases, shall be credited to the Authority's fund. The Authority reserve the rights to decide, whether such amount shall be bared by the Authority's fund or not, in case of the officer individually responded by the officer concerned.

Members and
officers deemed
public servants

- (1) Any member, officer and employee of the Authority shall be deemed to be a public servant within the meaning and for the purposes of the Paenel Code.
- (2) The Authority shall be deemed to be a Scheduled Institution within the meaning of Bribery Act.

Part VI

Interpretation

Interpretation

28. In this Statute, unless the context otherwise require,

“Province” means the Central Province,

“Provincial Council” means the Central Provincial Council,

“Governor” means the Governor of Central Province,

“Minister” means the Provincial Minister, in charge of the subject Local Authorities,

“Ministry” means the Ministry in charge of the subject Local Government of the Central Province Provincial Council,

“Secretary to the Ministry” means the Secretary in charge of the subject Local Government of the Central Province Provincial Council,

“Local Authority” means Municipal Councils, Urban Councils and Pradeshiya Sabhas within the Central Province,

“Entity” means any public corporation, company or institution affiliated to the Government,

“Pollution” means any direct or indirect alteration of physical, thermal, chemical biological, radioactive properties of any part of the environment by the discharge, emission or the deposit of waters so as to affect any beneficial use adversely or to cause a condition which is hazardous or potentially hazardous to public health, safety or welfare or to animals, birds, wildlife, aquatic life or to plants of any description, and the “Solid Waste” means refuse, bulk refuse, ashes, sludge, human or animal excreta, waste oil, waste acid and alkali, carcasses or any other filthy matter including solid waste which may cause nuisance to, or could affect the health of the General Public or could the passage of time, because a nuisance to or affect the health of the General Public.

29. In the event of any inconsistency in the Sinhala, Tamil and English text of this Statute the Sinhala text shall prevail.

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