



LAWS OF SARAWAK

—
ONLINE VERSION
—

Chapter 90

SUSTAINABLE RESOURCES AND WASTES MANAGEMENT ORDINANCE, 2025

**SUSTAINABLE RESOURCES AND WASTES MANAGEMENT
ORDINANCE, 2025**

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SARAWAK LAWNET

SUSTAINABLE RESOURCES AND WASTES MANAGEMENT
ORDINANCE, 2025

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LAWS OF SARAWAK

Chapter 90

**SUSTAINABLE RESOURCES AND WASTES MANAGEMENT
ORDINANCE, 2025**

An Ordinance to make provisions for efficient management of sustainable resources and wastes in Sarawak, to promote circular economy and to provide for the establishment of Sustainable Resources and Wastes Management Authority and to provide for its powers and functions and any incidental matters related thereto.

[1.4.2026 for Parts I, II and VI]
[Swk. L.N. 99/2026]

Enacted by the Legislature of Sarawak—

PART I

PRELIMINARY

Short title and commencement

1.—(1) This Ordinance may be cited as the **Sustainable Resources and Wastes Management Ordinance, 2025**, and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) The Minister may appoint different dates for the coming into force of different parts or different provisions of this Ordinance.

Interpretation

2. In this Ordinance, unless the context otherwise require—

“agency” includes governmental and non-governmental organization;

“Authority” means the Sustainable Resources and Wastes Management Authority established under section 3;

“authorized person” means any person authorized by the Chief Executive Officer in writing under this Ordinance;

“Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under section 12;

“controlled sustainable resources” means the sustainable resources declared to be controlled in accordance with section 25;

“designated place” means any suitable place, site or area as may be designated by the Authority under section 27 to be the place or area where the sustainable resource or wastes may be segregated and accumulated for collection by the Authority;

“disposal of wastes” means any method or process of disposing of or eliminating any unwanted materials or wastes;

“Government” means the Government of the State of Sarawak;

“holder” means any person who is in possession of any sustainable resource or wastes, either by custody or by control, or the producer of such sustainable resource or wastes including service provider; and for the purpose of this definition, the words “in possession” mean to be in the custody or under the control of such person;

“land” shall have the same meaning assigned to it under the Land Code [*Cap. 81 (1958 Ed.)*];

“licensee” means any person issued with licence under this Ordinance or its regulations;

“Minister” means the Minister responsible for energy and environmental sustainability;

“non-governmental organisation” means any body or corporation, registered or incorporated under any written law which is not owned, managed or controlled by the Government;

“occupier” means a person in occupation or control of—

(a) any land and, in the case of land reserved or allocated for the use of a native community, includes the head of the community;

(b) any premise; or

(c) in relation to premise where different parts of which are occupied by different persons, the respective person in occupation or control of each part;

“owner” in relation to—

(a) any premise, means—

(i) the registered proprietor thereof;

(ii) any person who occupies that premise by agreement, lease or license, whether registered or not under the Land Code, with the owner;

(iii) the agent or trustee of any of the owners described in subparagraphs (i) and (ii) of this definition or where the owner as described in subparagraphs (i) and (ii) cannot be traced or has died, his executor or administrator;

(iv) the person for the time being receiving the rent from the premise, whether on his own account, or as agent or trustee for any other person, or as receiver or who is entitled to receive, if the premise is let to a tenant; or

(v) licensee recognized under any written law;

and

(b) in the case of any vehicle, means the person registered as the owner of the vehicle;

“person” means natural person including any individual, body, corporation or company;

“premise” includes any structure, place, building, house, land and easement, whether open or enclosed, whether built on or not, whether public or private;

“producer” means any person whose activities produce sustainable resources or wastes or any person who carries out pre-processing, mixing or other operations resulting in change in the nature, composition or use of sustainable resources or wastes;

“recovery” means the controlled extraction of a molecule or compound or material or retrieval of energy from sustainable resources or wastes for the production of another product;

“recycle” means the process by which materials are reclaimed from sustainable resources or wastes for further use as product, raw materials or input in the production process;

“re-use” means the action or practice of using something again whether for its original purpose or to fulfil a different function;

“sustainable resources” include—

- (a) any material or substance, whether of biological or non-biological origin; or
- (b) any discarded material from any premise or site including industrial, construction and agricultural wastes or wood wastes from logging of forests,

which possesses recoverable value or is capable of being converted into energy in any form including electricity, heat, fuels or gases, or any non-energy product;

“sustainable resource or wastes management facility” means any plant, factory, premise, or site licensed in accordance with this Ordinance for the purpose of receiving, accumulating, depositing, recovering, recycling, treating, storing, or disposing of sustainable resources or wastes, and includes incinerators, sustainable resource or wastes processing areas, transfer stations, reuse areas, materials recovery facilities, recycling plants, treatment facilities, composting plants, wastes disposal facilities or sites, and wastes-to-energy facilities;

“service provider” means any person issued with licence under this Ordinance or its regulations to carry out any sustainable resource or wastes management activity under this Ordinance or its regulations including collectors, transporters, material recovery operators and recyclers; and

“wastes” mean any substance, material or object that is intended or required to be discarded or disposed of by its holder, which cannot be reused, recycled or recovered.

PART II

ADMINISTRATION

*Chapter 1 – Sustainable Resources and Wastes Management Authority***Establishment of Sustainable Resources and Wastes Management Authority**

3.—(1) There shall be established a body corporate to be known as “Sustainable Resources and Wastes Management Authority” with perpetual succession and a corporate seal and shall, by that name, be capable of—

- (a) suing and be sued;
- (b) acquiring, owning, holding, leasing or disposing of property, both movable and immovable; and
- (c) doing such other acts or things as body corporate may lawfully do.

(2) The Authority shall for the purpose of the Land Code [*Cap. 81 (1958 Ed.)*], be deemed a native.

Composition of the Authority

4.—(1) The Authority shall consist of the following:

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) State Attorney General or his representative;
- (d) State Financial Secretary or his representative;
- (e) the Permanent Secretary of the Ministry having the responsibility for energy and environmental sustainability or his nominee;
- (f) the Permanent Secretary of the Ministry having the responsibility for natural resources or his nominee;

(g) the Permanent Secretary of the Ministry having the responsibility for food industry, commodity and agriculture or his nominee;

(h) the Permanent Secretary of the Ministry having the responsibility for local government or his nominee;

(i) the Controller of Environmental Quality or his nominee;

(j) the Director of Agriculture Department or his nominee;

(k) the Director of Forests or his nominee;

(l) the Director of Lands and Surveys or his nominee; and

(m) not more than five other members with appropriate experience, knowledge or expertise in energy, environmental sustainability and any other related areas relevant to the purpose of this Ordinance.

(2) The Chairman, Deputy Chairman and the members referred to in subsection (1)(m) shall be appointed by the Majlis Mesyuarat Kerajaan Negeri.

(3) The Chairman, the Deputy Chairman and the members of the Authority appointed under subsection (2) shall hold office for a term of not exceeding three years but shall be eligible for re-appointment.

(4) Notwithstanding subsection (3), the appointment of a member of the Authority shall cease—

(a) upon his death;

(b) if he has been adjudged a bankrupt by a court of competent jurisdiction;

(c) if his appointment is revoked by the Majlis Mesyuarat Kerajaan Negeri;

(d) if, because of ill health or unsoundness of mind, he is unable to discharge the duties attached to his office as a member;

(e) if he absents himself for three consecutive meetings of the Authority without approval of the Chairman;

- (f) if he has been convicted of any offence under any law relating to fraud, dishonesty, or corruption; and
- (g) if he resigns by letter addressed to the Chairman.

(5) The Chief Executive Officer shall be the Secretary of the Authority.

(6) Any member of the Authority may be paid by the Authority such remuneration and allowances as may be determined by the Minister with the approval of Majlis Mesyuarat Kerajaan Negeri.

Corporate seal, dealings and affairs

5.—(1) The corporate seal of the Authority shall be in the custody of the Secretary.

(2) The corporate seal of the Authority shall be authenticated by the signature of its Chairman or any other member authorized by the Authority and the Secretary, and when so authenticated, shall be judicially and officially noticed.

(3) All documents and instruments which are not required by any written law to be executed under seal, may be executed on behalf of the Authority by the Chairman or any other member of the Authority and the Secretary.

(4) All statutory records and minutes of all meetings and proceedings of the Authority shall be kept and maintained by the Secretary.

Meetings of the Authority

6. All meetings of the Authority and the regulation of its affairs and proceedings shall be conducted in accordance with the provisions of the Schedule.

Powers of the Authority

7. The Authority shall have power to do all things that are necessary or convenient to be done for or in connection with the performance or discharge of its functions and, in particular, may—

- (a) determine the mode and manner of carrying out all sustainable resources and wastes management activity including

segregation, collection, transportation, treatment, recycling of sustainable resources or disposal of wastes for better management throughout the State;

(b) determine and take such measures, as may be necessary, including the issue of guideline, order or direction, to any Government agency, person or body, to direct, prevent, control or prohibit the carrying out of any sustainable resource or wastes management activity including the segregation, collection, transportation, treatment, recycling of sustainable resources or disposal of wastes;

(c) provide guidelines, directions for any matter relating to sustainable resource and wastes management;

(d) direct any agency or person to carry out and provide report to the Authority on activity that relates to sustainable resource and wastes management;

(e) establish committee comprising any technical expert, as the Authority deems necessary, to advise or recommend the Authority or the Government on any matter related to sustainable resource and wastes management and in carrying out its and functions under this Ordinance and its regulations;

(f) consider, analyse, recommend and, if deemed fit, approve plans, projects or specific recommendations or technical representations or advice concerning any matter related to sustainable resource and wastes management under this Ordinance and its regulations;

(g) direct any person or the relevant authority to carry out such duties and functions and to implement, carry out, comply with and ensure compliance with all directions or orders of the Authority made pursuant to this Ordinance and its regulations;

(h) engage or appoint any person as consultant, contractor or managing agent to undertake specific roles and responsibilities in under the Ordinance and its regulations;

(i) give incentives, advancement, loans, grants, *etc* as may be approved by the Government;

(j) impose and collect any fee, levy or any charges empowered under this Ordinance and its regulations;

(k) co-operate or act in association with any Government entity, any company or corporation, or any body or person, whether local or foreign; and

(l) anything incidental to or necessary for the discharge of its functions under this Ordinance and its regulations.

Functions of the Authority

8. The Authority shall have all functions imposed on it under any State laws and, without prejudice to the generality of the foregoing, the Authority shall also have the following functions:

(a) to draw up, or direct the preparation of, develop and implement any system or mechanism for better management of sustainable resources and wastes management in any area, activity or industry in Sarawak;

(b) to liaise and co-ordinate with and make representation to other agencies including the Federal Government agencies in any matter relating to sustainable resources and wastes management and in Sarawak;

(c) to recommend to the Minister the policies relating to sustainable resources and wastes management;

(d) to be responsible for planning and to co-ordinate with the relevant authority on all activities relating to sustainable resources and wastes management;

(e) to recommend any relevant incentives to be provided by the Government to encourage investment by any person on sustainable resources and wastes management;

(f) to carry out or arrange for the conduct of any assessment, advisory service, collate, analyse and publish information, statistics and factors influencing or relevant to sustainable resources and wastes management, and to disseminate such relevant information, statistics and factors to any person including Government entities;

(g) to directly or indirectly approach, liaise with, and disseminate relevant information to, any investor or potential investor or any financier or potential financier, whether local or foreign, in order to promote investment and the development of financing initiatives in sustainable resources and wastes management of Sarawak;

(h) to conduct, promote and support, in such manner as the Authority deems fit, any research, study or innovation activities relating to sustainable resources and wastes management;

(i) to conduct, promote and support, in such manner as the Authority deems fit, training or other programmes relating to any aspect including the development of human resources and capacity building in sustainable resources and wastes management sector;

(j) to implement measures to promote public participation and to improve public awareness on matters relating to sustainable resources and wastes management; and

(k) to perform any other functions that are supplemental, incidental, or consequential to any of the functions specified in this section.

Power to incorporate company

9.—(1) The Authority may, with the approval of the Minister, incorporate a company and subsidiaries thereof, by such name as the Authority thinks fit, under the Companies Act 2016 [*Act 777*]

(a) to perform any of its functions, carry out or exercise any of its powers; and

(b) to carry out and have the charge, conduct and management of any activity which has been planned or undertaken by the Authority in the performance of its functions or the discharge of its duties.

(2) The company incorporated by the Authority under this section shall be managed in accordance with such regulations and directions as may, from time to time, be made by the Authority or any written law.

Direction of Minister

10. The Minister may, from time to time, give to the Authority any direction, not inconsistent with the provisions of this Ordinance, as to the exercise or discharge of the Authority's powers and functions under this Ordinance, and the Authority shall take all steps necessary or expedient to give effect to all such directions.

Delegation

11.—(1) The Authority may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, and subject to such conditions or restrictions as it deems fit, delegate to any committee appointed under this Ordinance, or to the Chief Executive Officer or any officer of the Authority, or any company incorporated by the Authority and its subsidiaries, all or any of the functions and powers vested in the Authority by this Ordinance.

(2) Notwithstanding the delegation of functions or powers under this section, the Authority may continue to perform any of its functions or exercise any powers conferred upon it under this Ordinance.

*Chapter 2 - Officers and employees***Appointment of Chief Executive Officer**

12.—(1) The Authority shall, with the approval of the Minister, appoint a Chief Executive Officer of the Authority who shall also be responsible for the day to day administration and management of the Authority.

(2) Where the Chief Executive Officer is temporarily unable to perform any of his duties by reason of illness or otherwise, another person may be appointed by the Chairman to act in the place of the Chief Executive Officer during any such period of absence from duty.

Officers and employees of the Authority

13.—(1) The Authority may create or establish such number of posts, either permanent or temporary, as the Majlis Mesyuarat Kerajaan Negeri may approve, necessary to enable the Authority to exercise its powers, perform its functions and discharge its duties under

this Ordinance and for the efficient management and administration of its affairs and activities.

(2) The Authority may appoint or engage, on such terms and conditions to be determined by the Authority, any person with the requisite qualification and experience to the posts referred to in subsection (1).

(3) The Statutory Bodies (Conduct and Discipline) Ordinance, 2004 [*Cap. 57*], shall apply to the Chief Executive Officer and all officers and employees of the Authority.

Chapter 3-Fund And Financial Provisions

Fund of the Authority

14.—(1) For the purpose of enabling the Authority to carry out its powers and functions, there shall be established a Fund to be known as the “Sustainable Resources and Wastes Management Fund”.

(2) The Fund shall consist of—

(a) such sums as may be appropriated from the State Consolidated Fund from time to time by Dewan Undangan Negeri;

(b) all moneys received from time to time by way of grants from the Government or Federal Government;

(c) moneys earned by the operation of any project, scheme or enterprise financed from the Fund;

(d) such sums as may be paid from time to time to the Authority from advances or loans made by the Authority;

(e) moneys received by way of interests or dividends earned from investments in respect of moneys held in the Fund;

(f) such sums as may be paid as compound, compensation and any other fees received by the Authority pursuant to this Ordinance or its regulations; and

(g) all other sums or property which may in any manner become payable to or vested in the Authority in respect of any matter incidental to its powers and functions under this Ordinance.

Conservation of Fund

15. It shall be the duty of the Authority to conserve the Fund by so performing, exercising and discharging its powers and functions under this Ordinance as to secure that the total revenues of the Authority are, subject to any directions given by the Minister, sufficient to meet all sums properly chargeable to its revenue account, including depreciation and interest on capital, taking one year with another.

Expenditure to be charged on the Fund

16. The Fund shall be expended for the purposes of—

(a) paying any expenditure lawfully incurred by the Authority, including legal fees and other fees and costs, and the salaries, remuneration and allowances of members, committees, officers and employees appointed and employed by the Authority, including superannuation allowances, provident fund, pensions and gratuities;

(b) paying rewards, any other expenses, costs or expenditure properly incurred or accepted by the Authority in the performance of its functions or the exercise of its powers and functions under this Ordinance;

(c) granting loans, advances, incentives or other financial assistance approved by the Majlis Mesyuarat Kerajaan Negeri;

(d) purchasing or hiring equipment, vehicles, machinery, stores and any other materials, acquiring land and erecting buildings, and carrying out any other works and undertakings in the exercise of its powers and the performance of its functions under this Ordinance;

(e) repaying any moneys borrowed under this Ordinance and the interest due thereon; and

(f) generally, paying any expenses for carrying into effect the provisions of this Ordinance and any regulations made hereunder.

Expenditure and preparation of estimates

17.—(1) The expenditure of the Authority up to such amount as may be authorized by the Minister for any one year shall be defrayed out of the Fund.

(2) Before the beginning of September of each year, the Authority shall submit to the Minister an estimate of the expenditure for the following year in such form and containing such particulars as the State Financial Secretary may direct and the Minister shall, before the beginning of the following year, notify the Authority of the amount authorized for expenditure generally or the amounts authorized for each description of expenditure.

(3) The Authority may, at any time, submit to the Minister a supplementary estimate for any one year and the Minister may allow the whole or any part of the additional expenditure included therein.

Accounts and audit

18.—(1) The Authority shall keep proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year, and shall submit the same to the Auditor-General or other auditor appointed by the Authority for audit.

(2) At the end of each financial year and as soon as the accounts of the Authority has been audited under subsection (1), the Authority shall cause a copy of the audited accounts together with any observations or opinion of the Auditor-General or the auditor appointed under subsection (1) to be submitted to the Majlis Mesyuarat Kerajaan Negeri who may approve and hereafter cause the same to be laid before the Dewan Undangan Negeri.

Borrowing powers

19. The Authority may, from time to time, with the approval of the Minister, borrow, at such rate of interest and for such period and upon such terms as to the time and method of repayment and otherwise as the Minister may approve, any sum required by the Authority for meeting any of its obligation or discharging any of its function.

Government loans or grants

20. The Government may, upon the recommendations of the Minister, make advances to the Authority, either by way of grant or loan, or partly by grant or partly by loan, and upon such terms and subject to such conditions as the Government may think fit for the purpose of assisting the Authority to perform any function which it is empowered to perform under this Ordinance.

Investment

21. Moneys standing to the credit of the Authority shall, in so far as they are not required to be expended by the Authority under this Ordinance, be invested in such manner as the Minister may approve.

Advances, loans, grants in aid and incentives

22.—(1) Subject to and in accordance with any regulation made under this Ordinance, advances may be made from the State Consolidated Fund to owners or occupiers to enable them to carry out directions made under this Ordinance, and loans or grants in aid may be made from the State Consolidated Fund to Government departments, statutory bodies or local authorities in respect of conservation schemes undertaken by them.

(2) The Authority may, subject to any regulation made hereunder, provide incentives, by way of awards, grants or other forms of monetary rewards, any person or group of persons, industry or any group of industry, which are the subject of a direction made under this Ordinance, if it appears to the Authority that they merit such incentives.

Annual report

23.—(1) The Authority shall, after the end of each financial year, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Authority during the preceding financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may, from time to time, direct.

(2) The Minister shall cause a copy of every such report to be laid before the Dewan Undangan Negeri.

Financial and Accounting Procedure

24. The Statutory Bodies (Financial and Accounting Procedure) Ordinance, 1995 [*Cap. 15*], shall apply to the Authority.

PART III

MANAGEMENT OF SUSTAINABLE RESOURCES AND
WASTES**Controlled sustainable resources**

25.—(1) The Authority may, with the approval of the Minister, by notification in the Gazette, declare any sustainable resources as “controlled sustainable resources” (“controlled sustainable resources”) by reason that such sustainable resources—

(a) may be used as fuel for the generation of electricity or the production of other forms of energy or gas;

(b) has the potential of being converted into or being reused in the production of other products of commercial value or for industrial or construction usage; or

(c) are required for the purpose of research and development undertaken by the Authority, non-governmental organisation or any person for the purposes of this Ordinance.

(2) The Authority shall have the power to issue licence, subject to any terms and conditions as may be imposed by it, for the purpose of controlling any activity related to the controlled sustainable resources declared under subsection (1).

(3) No person shall carry out any activities related to the controlled sustainable resources without licence issued by the Authority under this Ordinance or regulations made hereunder.

(4) Any person who contravenes subsection (3) shall be guilty of an offence and shall, upon conviction, be liable;

(a) where such person is an individual, to a fine of not less than fifty thousand ringgit and not exceeding five hundred thousand ringgit or to imprisonment for a term of not less than two years and not exceeding ten years, or to both; or

(b) where such person is a body corporate, to a fine of not less than one million ringgit and not exceeding five million ringgit.

Segregation of sustainable resources or wastes

26.—(1) Any person who produces or holds any sustainable resources or wastes in Sarawak shall segregate such sustainable resources or wastes in the manner as may be prescribed by the regulations made under this Ordinance.

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence and upon conviction, be liable to—

(a) where such person is an individual, a fine of not less than two thousand ringgit and not exceeding ten thousand ringgit or imprisonment for a term not exceeding six month or to both; or

(b) where such person is a body corporate, a fine of not less than twenty thousand ringgit and not exceeding two hundred thousand ringgit.

Designated place

27.—(1) The Authority may provide or direct any person or Government agency to provide for a designated place within the premise, area or site in accordance with, and in the manner as may be directed by the Authority by an Order published in the *gazette*.

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence and upon conviction, be liable to—

(a) where such person is an individual, a fine of not less than two thousand ringgit and not exceeding ten thousand ringgit or imprisonment for a term not exceeding six month or to both; or

(b) where such person is a body corporate, a fine of not less than twenty thousand ringgit and not exceeding two hundred thousand ringgit.

Collection or Transportation of Sustainable Resources or Wastes

28.—(1) Any person who collect or transport the sustainable resources or wastes shall apply for a licence from the Authority in accordance with the Ordinance and its regulations.

(2) Any person who contravene subsection (1) shall be guilty of an offence and upon conviction, be liable to—

(a) where such person is an individual, a fine of not less than ten thousand ringgit and not exceeding fifty thousand ringgit or imprisonment for a term not exceeding one year or to both; or

(b) where such person is a body corporate, a fine of not less than one hundred thousand ringgit and not exceeding five hundred thousand ringgit.

Ownership of sustainable resources and wastes

29.—(1) Unless otherwise directed by the Authority, all sustainable resources or wastes, segregated and accumulated at, or delivered to a designated place, shall be the property of the Authority.

(2) Any person who, without the written approval of the Authority, removes or is in possession of, any sustainable resources or wastes from a designated place, commits an offence and shall, upon conviction, be liable—

(a) if the person is an individual, to a fine of not less than ten thousand ringgit and not more than fifty thousand ringgit, or to imprisonment for a term not exceeding one year, or to both; or

(b) if the person is a body corporate, to a fine of not less than one hundred thousand ringgit and not more than five hundred thousand ringgit.

Sustainable Resources or Wastes Management Facility

30.—(1) Any person who constructs, operates, manages, decommissions or carries out any activities related to sustainable resources or wastes management facility shall apply for a licence from the Authority in accordance with the Ordinance and its regulations.

(2) Any person who contravene subsection (1) shall be guilty of an offence and upon conviction, be liable to—

(a) where such person is an individual, a fine of not less than ten thousand ringgit and not exceeding fifty thousand ringgit or imprisonment for a term not exceeding one year or to both; or

(b) where such person is a body corporate, a fine of not less than one hundred thousand ringgit and not exceeding five hundred thousand ringgit.

Inspection

31.—(1) The Chief Executive Officer or the authorized person may, whenever he deems fit, conduct or cause to conduct any inspection at any premise, designated place or licensed sustainable resources or wastes management facility without any prior notice to the owner or licensee.

(2) Any person who obstructs the Chief Executive Officer or the authorized person from entering the premise, designated place, sustainable resources or wastes management facility for the purpose of inspection under subsection (1) commits an offence and shall, upon conviction be liable to a fine of not less than ten thousand ringgit and not exceeding fifty thousand ringgit or imprisonment for a term of not less than one year or to both.

Submission of report

32. The Authority may request, in writing, for the submission of any report including report on the operation of any premise or a licensed sustainable resources or wastes management facility or any other relevant report as the Chief Executive Officer deems fit.

Licences

33. Any licence required under this Ordinance shall be issued by the Authority on such terms and conditions and on payment of fees as may be determined by the Authority, and in the manner as may be prescribed by its regulations.

Product generated from Sustainable Resources or Wastes Management Facility

34. Any energy or non-energy product generated or produced from any process carried out by or in the sustainable resources or wastes management facility shall be used for—

(a) the purpose of electricity generation in accordance with the Electricity Ordinance, 2007 [*Cap. 50*];

(b) the purpose of generating other forms of energy including heat, fuels or gas under the Distribution of Gas Ordinance, 2016 [*Cap. 72*]; or

(c) any other purposes as the Majlis Mesyuarat Kerajaan Negeri may approve.

Exemption

35. The Majlis Mesyuarat Kerajaan Negeri may, by Order published in the *gazette*, exempt any person or sector, class of persons or sectors, wholly or partly, from the application of this Ordinance or its regulations.

PART IV

ENFORCEMENT

*Chapter 1 – Arrest***Power of arrest**

36.—(1) Any offence under this Ordinance and regulations made hereunder shall be a seizable offence within the meaning of the Criminal Procedure Code [*Act 593*].

(2) Any authorized person or police officer may, without warrant, arrest any person reasonably suspected of having been concerned in any such offence or if the person refuses to give his name and residence, or gives a name and residence which such authorized person or police officer has reason to believe is false, or that he will abscond.

(3) Every authorized person or police officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested to the officer in charge of the nearest police station or, if the offence is compoundable under this Ordinance or its regulations, to an authorized person or police officer empowered under that section to offer such compound:

Provided that, in the latter case, if the arrested person refuses to accept the offer to compound the alleged offence, he shall forthwith be sent to the officer in charge of the nearest police station.

(4) Where the person arrested under this section is required, for the purposes of investigation, to be detained for more than twenty-four hours, section 55 shall apply.

When person may be released on personal bond, etc.

37.—(1) Any person arrested under this Ordinance or any regulations made hereunder, unless remanded, may be released on a personal bond with or without surety by the Chief Executive Officer or any authorized person.

(2) The amount of every personal bond executed shall be fixed with due regard to the circumstances of the case as being sufficient to secure the attendance of the person arrested when so required.

Authority Card

38.—(1) There shall be issued to the authorized person, an authority card to be signed by the Chief Executive Officer.

(2) Whenever an authorized person exercises any of the powers of enforcement under this Ordinance, he shall produce on demand to the person against whom the power is being exercised the authority card issued to him under subsection (1).

Chapter 2 — Search, Seizure and Forfeiture

Power to search

39. Whenever any authorized person or a police officer has reasonable cause to believe that an offence under this Ordinance has been committed, he may search any conveyance including vehicle, ship or aircraft, premises or facility under the control of the suspect, his agents or servants, and the provisions in this Ordinance relating to

search and seizure, where appropriate, shall apply.

Power to seize

40.—(1) Where there is reasonable cause to believe that an offence under this Ordinance has been committed, any goods concerned, together with all machineries, tools, conveyances, documents and other things or properties used in the commission of such offence, may be seized by any authorized person or police officer.

(2) Every authorized person or police officer seizing any property under this section shall place on such goods, or on the receptacle, if any, in which it is contained, a mark or seal indicating that it has been so seized.

(3) Any person (other than an authorized person, police officer, officer of customs or other public servants in the course of discharging their duties under any written law) who tampers with, removes, damages or destroys anything seized under subsection (1) shall be guilty of an offence and shall, upon conviction, be liable with a fine of not less than five thousand ringgit and not exceeding fifty thousand ringgit or imprisonment not exceeding five years, or to both.

Power to stop and search conveyances, etc.

41.—(1) If any authorized person or any police officer has reasonable cause to believe that any conveyance, vehicle, ship or aircraft is carrying any good or any other thing in contravention of this Ordinance or in respect of which an offence is being or has been committed, he may stop and examine the conveyance.

(2) The person in control or in charge of the conveyance shall, if required to do so by the authorized person or police officer—

(a) stop the conveyance and allow the authorized person or police officer to Authority and examine it; and

(b) open all parts of the conveyance for examination and take all measures necessary to enable or facilitate the carrying out of such examination as the authorized person or police officer considers necessary to make.

Power to test and prohibit use of vehicle

42.—(1) The Chief Executive Officer or any authorized person may enter and inspect any vehicle in use and for that purpose may require any vehicle to be stopped, and may detain any vehicle during such time as is required for the inspection, and may require the driver of such vehicle to drive it to another place for the purpose of such inspection and may carry out, at the expense of the owner, all such tests and examinations as he considers desirable or necessary to satisfy himself that the provisions of this Ordinance or any regulation made hereunder have been complied with in respect of the vehicle:

Provided that no vehicle shall be detained under this section for a period exceeding forty-eight hours or such longer period as the Chief Executive Officer may by writing authorize in any particular case.

(2) If, on such inspection, it appears to the Chief Executive Officer or authorized person that, by reason of any defect therein, such vehicle is or is likely to contravene this Ordinance or any regulation made hereunder, he may prohibit the use of such vehicle:

Provided that where in the opinion of the Chief Executive Officer or authorized person the defects are such as can be remedied within any period not exceeding ten days, the prohibition shall not operate before the expiration of the period.

(3) Where, under subsection (2), the Chief Executive Officer or authorized person prohibits the use of a vehicle, he shall forthwith give written notice of such prohibition to the registered owner of the vehicle and to the person in charge thereof.

(4) In the case of prohibition on the grounds of such defects as are specified in the proviso to subsection (2), the notice given under subsection (3) shall specify the period within which the defects can in the opinion of the Chief Executive Officer or such authorized person be remedied and may require the registered owner of the vehicle or the person in charge thereof to produce for his inspection the vehicle at such convenient time and place as may be specified in the notice.

(5) A notice made under subsection (3) which has become effective may be withdrawn in writing by the Chief Executive

Officer or any authorized person if he is satisfied that the vehicle is fit to use and he shall give notification thereof to the registered owner of the vehicle.

(6) The Chief Executive Officer or authorized person may by notice in writing require the registered owner of the vehicle to produce for his inspection, at such convenient time and place as may be specified in the notice, any document relating to the vehicle.

(7) If any person fails to comply with this section, or uses or permits to be used a vehicle at any time whilst a notice under subsection (3) is in force in relation to such vehicle, he shall be guilty of an offence and shall, upon conviction, be liable to a fine of not less than five thousand ringgit and not exceeding fifty thousand ringgit.

Access to computerized data

43.—(1) An authorized person or police officer conducting a search under this Ordinance shall be given access to computerized data whether stored in a computer or otherwise.

(2) For the purposes of this section, the authorized person or police officer shall be provided with the necessary password, encryption code, decryption code, software or hardware and any other means required to enable comprehension of computerized data.

Temporary release of things seized

44.—(1) Where any thing has been seized under this Ordinance, an authorized person may, subject to terms and conditions as the Chief Executive Officer deems fit to impose, temporarily release such thing to the owner on application and on security (as assessed by the Chief Executive Officer) being furnished that such thing shall be surrendered to him on demand or to produce it before a court of competent jurisdiction.

(2) Where such owner fails to surrender the thing seized on demand by such authorized person, or fails to produce it before a court of competent jurisdiction in accordance with subsection (1), he shall be guilty of an offence and shall, upon conviction, be liable with a fine of not less than twenty thousand ringgit and not exceeding one hundred thousand ringgit or imprisonment not exceeding two years, or to both, and the security furnished under subsection (1) shall be forfeited to the Government.

Cost of holding things seized

45. Where any thing has been seized under this Ordinance is held in the custody of the Chief Executive Officer or authorized person pending completion of any proceedings in respect of an offence under this Ordinance, the cost of holding it in custody shall, in the event of any person being convicted of such offence, be a debt due to the Government by such person and shall be recoverable accordingly.

No costs or damages arising from seizure to be recoverable

46. No person shall, in any proceeding before any court in respect of the thing seized in the exercise or the purported exercise of any power conferred under this Ordinance, be entitled to the costs of such proceedings or to any damages or other reliefs unless such seizure was made without reasonable cause.

Order for payment of costs or compensation, etc.

47. After a person has been convicted for an offence against this Ordinance or any regulation made hereunder, the Court, in addition to imposing a penalty for the offence, may, where it appears to the Court that any other person has or the Government, by reason of the commission of, or the omission resulting in the offence, suffered loss or damage to any property, order the person so convicted to pay the other person or the Government the costs and expenses incurred or compensation for loss or damage to the property and any other costs, in an amount as the Court considers fit.

Obstruction to search

48. Any person who—

(a) refuses an authorized person or police officer access to any vehicle, ship, aircraft or premises in the execution of any duty imposed or power conferred by this Ordinance;

(b) assaults, obstructs, impedes or interferes with an authorized person or police officer in the performance of his powers under this Ordinance; or

(c) refuses an authorized person or police officer any information relating to an offence or suspected offence under

this Ordinance or any other information which may reasonably be required of him and which he has in his knowledge or power to give,

shall be guilty of an offence and shall, upon conviction, be liable to a fine of not less than ten thousand ringgit and not exceeding one hundred thousand ringgit or imprisonment for a term not exceeding three years, or to both.

Power of Chief Executive Officer to keep or dispose things seized

49. The Chief Executive Officer may direct that any thing seized under this Ordinance be stored or kept in such place as he deems fit, or disposed of to any authorized person or body subject to such terms and conditions as he may determine, and the proceeds of the disposal shall be held to abide by the result of any prosecution or claim under this section.

Forfeiture of things seized

50.—(1) Anything liable to seizure under this Ordinance shall be liable to forfeiture.

(2) An Order for the forfeiture or for the release of any thing liable to forfeiture under this Ordinance shall be made by the Sessions Court before which the prosecution with regard thereto has been held and an Order for the forfeiture of the thing shall be made if it is proved to the satisfaction of the Court that an offence has been committed, or was used in the commission of the offence, notwithstanding that no person may have been convicted of such offence.

(3) If there be no prosecution with regard to anything seized under this Ordinance, such thing shall be taken and deemed to be forfeited at the expiry of one calendar month from the date of seizure unless before that date, a claim thereto is made in the following manner:

(a) any person asserting that he is the owner of such thing and that it is not liable to forfeiture may personally or by his agent authorized in writing give written notice to the authorized person or police officer in whose possession such thing is held that he claims the same;

(b) on receipt of such notice, the authorized person or police officer, as the case may be, shall, unless the investigation into the offence is still pending, refer the claim to a Sessions Court judge for decision; and

(c) the Sessions Court judge to whom the claim is referred shall issue a summons requiring the claimant to appear before him and upon his appearance or default to appear, the Sessions Court judge shall proceed to the examination of the claim and, on proof that an offence has been committed and that such thing was the subject matter of environment or was used in the commission of such offence, shall order the same to be forfeited or may in the absence of such proof order its release.

(4) All things forfeited or deemed to be forfeited shall be delivered to the authorized person and shall be disposed of in accordance with the direction of the Chief Executive Officer.

(5) Notwithstanding the Criminal Procedure Code [*Act 593*], any application for release of things seized under this Ordinance shall be inquired into and disposed of according to this Ordinance.

(6) The Government shall not be liable to any person for any deterioration in the quality or diminution in value, howsoever caused, of any thing seized under this Ordinance:

Provided that the deterioration in the quality or diminution in value is not as a result of the negligent act of the authorized person in carrying out his duties under this Ordinance.

Additional powers

51. The Chief Executive Officer or any authorized person shall, for the purposes of the execution of this Ordinance, have the power to do all or any of the following:

(a) to require the production of any book, record, computer, industrial plant, equipment on the management of sustainable resources and wastes including the issued licence, certificate, or other document kept by any person and to inspect, examine, download, make copies or take extracts from them;

(b) to require the production of any identification document from any person or agency in relation to any act or offence under this Ordinance; and

(c) to make such enquiries as may be necessary to ascertain whether the provisions of this Ordinance have been complied with.

Chapter 3 – Investigation

Power to investigate

52.—(1) The Chief Executive Officer or any authorized person or any police officer not below the rank of inspector or any police officer in charge of a police station (referred to in this section collectively as an “investigating officer”) may carry out investigation into any offence under this Ordinance and regulations made hereunder, and in carrying out such investigation, the investigating officer may exercise all or any of the special powers in relation to police investigations provided in the Criminal Procedure Code [*Act 593*].

(2) Any investigating officer may in writing require the attendance before himself of a person who appears to be acquainted with the facts and circumstances of that case or is suspected of being concerned with any offence under this Ordinance and regulations made hereunder, under investigation.

(3) If the person who is so required to attend fails to comply therewith, the investigating officer may report such failure to a Magistrate who will issue a warrant to secure the attendance of that person.

Examination of person acquainted with case

53.—(1) An investigating officer making an investigation under section 52 may examine orally any person who may be acquainted with the facts and circumstances of the case.

(2) Such person shall be legally bound to answer all questions put to him by the investigating officer, but the person may refuse to answer any question, the answer to which would have a tendency to expose him to a criminal charge or penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth whether or not the statement is made wholly or partly in answer to any question.

(4) The investigating officer shall first inform that person of the provisions of subsections (2) and (3).

(5) A statement made by a person under this section shall, whenever possible, be reduced to writing and signed by the person making it or affixed with his thumb print, as the case may be, after it has been read to him in the language in which he made it and after he has been given an opportunity to make any corrections he may wish.

Admissibility of statements in evidence

54.—(1) If any person is charged with an offence, any statement, whether the statement amounts to a confession or not or whether it is oral or in writing, made at any time, whether before or after the person is charged and whether in the course of an investigation under this Ordinance or not and whether or not wholly or partly in answer to questions, by that person to or in the hearing of an investigating officer referred to in section 52 and whether or not interpreted to him by another officer or any other person, shall be admissible in evidence at his trial and, if the person charged tenders himself as a witness, any such statement may be used in cross examination and for the purpose of impeaching him.

(2) No statement referred to in subsection (1) shall be admissible or used in any criminal proceedings—

(a) if the making of the statement appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against such person proceeding from a person in authority and sufficient in the opinion of the Court to give the person charged grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him; or

(b) in the case of a statement made by the person after his arrest, unless the Court is satisfied that he was cautioned by any investigating officer or a police officer of or above the rank of Inspector in the following words or words to the like effect:

“It is my duty to warn you that you are not obliged to say anything or to answer any question, but anything you say, whether in answer to a question or not, may be given in evidence”.

(3) A statement made by a person before there is time to caution him shall not be rendered inadmissible in evidence merely by reason of

him not having been cautioned if he is cautioned as soon as possible after that.

Where investigation cannot be completed within twenty-four hours

55.—(1) Whenever any person who is arrested under section 36 or whose attendance is secured by a warrant under section 52 in connection with an offence, and the investigation cannot be completed within the period of twenty-four hours and there are reasonable grounds for believing that the accusation or information against him is well-founded, the investigating officer investigating the case under section 52 may deliver him to the nearest police station to be released on a bond or police bail or to be detained thereat pending arrangement to produce the person before a court of competent jurisdiction.

(2) Where a person is brought before a court under subsection (1), the investigating officer shall comply with section 117(1) of the Criminal Procedure Code [*Act 593*] and the Court shall have the powers over that person as are provided in section 117(2) of that Code.

Diary of proceedings in investigation

56.—(1) Every investigating officer making an investigation shall day by day enter in his investigation diary setting forth—

- (a) the time at which the instruction, if any, for investigation reached him;
- (b) the time at which he began and closed the investigation;
- (c) the place or places visited by him; and
- (d) a statement of the circumstances ascertained through his investigation.

(2) Notwithstanding anything contained in the Evidence Act 1950 [*Act 56*], an accused person shall not be entitled, either before or in the course of any inquiry or trial, to call for or inspect any such diary:

Provided that if the investigating officer who has made the investigation refers to the diary for the purposes of section 159 or 160 of the Evidence Act 1950 [*Act 56*], such entries only as the officer has referred to shall be shown to the accused, and the Court shall at the request of the officer cause any other entries to be concealed from view or obliterated.

Evidence

57.—(1) A certificate purporting to be under the hand of the Authority certifying the amount of the cost of work done to give effect to the direction made under this Ordinance or a direction made by the Authority under this Ordinance purporting to be certified by the Authority as a true copy, shall until the contrary is proved, be evidence in any court of the amount due as a debt to the Government.

(2) A copy of such direction made by the Authority or purporting to be certified by the Authority as a true copy shall be conclusive evidence in any court that a determination was made by the Authority, as the case may be, in the terms of the certified copy.

(3) The contents of any document prepared, issued or served under, by virtue of or for the purposes of this Ordinance shall until the contrary is proved be presumed to be correct and the production of the Register kept under this Ordinance purporting to show the licences issued under this Ordinance shall be *prima facie* proof of the issue, lack of issue or date of expiry of such licences.

(4) Notwithstanding any other laws to the contrary, in any proceedings under this Ordinance or the regulations made hereunder, a certificate for the purpose of establishing the occupier of any premise which purports to be signed by the relevant authority shall unless the contrary is proved be evidence of any facts stated therein.

(5) In any proceeding for offences against this Ordinance or the regulations made hereunder, where it is necessary to prove that any person was or was not licensed on a certain date or for a certain period or that a licence was subject to any specified condition, limitation or restriction or that a licence was suspended during a certain period, a certificate in writing purporting to be signed by the Authority setting out that such person was or was not licensed on that date or any condition, limitation or restriction to which a licence issued to such person is subject, or for or during that period or that the licence of such person was suspended during such period shall be *prima facie* evidence of the facts stated therein, and the Authority shall not be cross-examined on the contents of such certificate unless he has been served with ten days' notice stating the intention to do so and further stating the particulars which are intended to be challenged.

*Chapter 4 – Compound***Power to compound offences**

58.—(1) The Chief Executive Officer or any authorized person, may, subject to regulations made under this Ordinance, compound and accept from any person who is reasonably suspected of having committed any offence under this Ordinance or any regulations made hereunder—

(a) a sum of money not exceeding two-third of the maximum fine stipulated for the offence; and

(b) a sum equivalent to—

(i) fee due and payable under this Ordinance, to the Government at the time of the commission of the offence; and

(ii) any expense incurred, or damage suffered by the Government by reason of the offence committed by that person, such expense or damage shall be assessed by the Chief Executive Officer.

(2) Where any thing is seized under this Part, the authorized person compounding the offence may, with the written approval of the Chief Executive Officer, release or return such thing on payment of the value thereof as assessed by the Chief Executive Officer.

(3) On the payment of such sum of money and value as assessed, the thing seized shall be released and no further proceedings shall be taken against such person or property.

(4) All sums of money received under this section shall be credited to the Fund.

PART V**OTHER OFFENCES AND PENALTIES****Non-compliance with direction, notice or order**

59. Where any direction, notice or order requires any act to be done or work to be executed under this Ordinance, or to refrain from the doing of any act or activity within the period specified therein, by the Authority or the Chief Executive Officer and default is made

in complying with the requirement of such direction, notice or order, the person in default shall be guilty of an offence and shall, where no penalty is specially provided in this Ordinance for such default, upon conviction, be liable to a fine not less than twenty thousand ringgit and not exceeding fifty thousand ringgit or imprisonment for a term not exceeding five years, or to both.

Offence by body of persons, etc.

60. Where an offence against this Ordinance or any regulation made hereunder has been committed by a company, firm, society or other body of persons, any person who at the time of the commission of the offence was a Chief Executive Officer, manager, or other similar officer or a partner of the company, firm, society or other body of persons or was purporting to act in such capacity shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he had exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

Submission of document, report, etc. with false facts, data or information

61. Any person who makes, orally or in writing, signs or furnishes any declaration, return, report, certificate or other documents or information required under this Ordinance and regulations made hereunder which is untrue, inaccurate or misleading in any particular, shall be guilty of an offence and shall, upon conviction, be liable with—

(a) where such person is an individual, a fine of not less than twenty-five thousand ringgit and not exceeding one hundred and fifty thousand ringgit or to imprisonment not exceeding seven years, or to both; or

(b) where such person is a body corporate, a fine of not less than two hundred and fifty thousand ringgit and not exceeding one million ringgit or to imprisonment in respect of the Chief Executive Officer, manager, or other similar officer of such body corporate not exceeding seven years, or to both.

Attempts and abetments

62. Any person who attempts, aids or abets the commission of an offence shall, upon conviction, be punished with the penalty provided for the offence.

General Penalty

63. Every omission or neglect to comply with, and every act done contrary to, the provisions of this Ordinance or any regulation made hereunder or any breach of the conditions and restrictions subject to, or upon which, any licence is issued under this Ordinance or any regulation made hereunder shall be an offence against this Ordinance and in respect of any such offence for which no penalty is expressly provided the offender shall, upon conviction, be liable to a fine of not less than twenty-five thousand ringgit and not exceeding two hundred and fifty thousand ringgit.

Financial Penalty

64.—(1) The Authority may, impose a financial penalty for any breach or non-compliance of any provisions under this Ordinance or any regulation made hereunder, an amount not exceeding twenty million ringgit, and in the case of a second or subsequent breach or non-compliance, an amount of ten times of the financial penalty which was imposed for the first non-compliance.

(2) Any unpaid financial penalty under this section may be recovered as a civil debt due to the Authority in a court of competent jurisdiction and the Court may order for a payment of a penalty for late payment up to an amount equivalent to twice the amount of the financial penalty unpaid and costs of recovering the amount including any costs of legal proceedings.

(3) The financial penalty paid under this section shall be deposited into the State Consolidated Fund.

PART VI**MISCELLANEOUS****Conduct for prosecution**

65. The prosecution of any offence against this Ordinance or any regulations made hereunder shall be conducted by the Public

Prosecutor or any person duly authorized by him under section 377(b) of the Criminal Procedure Code *[Act 593]*.

Legal representation

66.—(1) In respect of any civil proceedings by or against the Authority—

(a) the State Attorney-General or any public officers authorized by him;

(b) an advocate appointed by the Authority; or

(c) an officer of the Authority duly authorized in writing by the Authority,

may appear and represent the Authority in such proceedings before any court.

(2) For the purpose of this section “civil proceedings” include an arbitration conducted under the Arbitration Act 2005 *[Act 646]* and any proceedings where the Court exercises its additional powers under section 25(2) of the Courts of Judicature Act 1964 *[Act 91]*.

Public servants

67. All members of the Authority or any committee, the Chief Executive Officer and other officers and any person appointed or employed by the Authority shall be deemed to be public servants within the meaning of the Penal Code *[Act 574]*.

Personal immunity of members, officers and employees

68. No member of the Authority or any committee, officer or employee of the Authority or any other person whomsoever acting under the direction of the Authority shall be personally liable for any act or default of the Authority, done or omitted to be done in good faith and without negligence in the course of carrying out their duties.

Public Authorities Protection Act 1948

69. The Public Authorities Protection Act 1948 *[Act 198]* shall apply to any action, suit, prosecution or proceedings against the Authority or any committee or against any member, officer, employee

or agent of the Authority, in respect of any act, neglect or default done or committed by any of them in such capacity.

Protection of informers

70.—(1) Except as hereinafter provided, no witness in any civil or criminal proceeding shall be obliged or permitted to disclose the name or address of an informer or the substance and nature of the information received from the informer or to state any matter which might lead to the identification of the informer.

(2) If any book, record, account, document or computerized data which is in evidence or liable to inspection in any civil or criminal proceedings whatsoever contains any entry in which any informer is named or described or which might lead to his discovery, the Court shall cause all such entries to be concealed from view or to be obliterated in so far as may be necessary to protect the informer from discovery.

(3) If on the trial for any offence under this Ordinance the Court after full enquiry into the case believes that the informer wilfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceeding the Court is of opinion that justice cannot be fully done between the parties thereto without the identification of the informer, it shall be lawful for the Court to require the production of the original complaint, if in writing, and permit enquiry, and require full disclosure concerning the informer.

Rewards, etc.

71. The Chief Executive Officer, with the written approval of the Minister, may award such sums by way of reward or reimbursement as he deems fit to be paid out of the Fund to any person for services or assistance rendered, expenses incurred or disclosure of information or statement in connection with the detection, investigation and prosecution of offences or in connection with any seizures made under this Ordinance.

Sessions Court to have jurisdiction

72. A Sessions Court shall have jurisdiction to hear and determine all prosecutions under this Ordinance and, notwithstanding

anything to the contrary in any written law, a Sessions Court shall have power to impose the full penalty or punishment provided by this Ordinance.

Regulations

73.— (1) The Majlis Mesyuarat Kerajaan Negeri may make regulations generally for the purpose of carrying out the provisions of this Ordinance in particular to—

(a) prescribe the manner or specific procedure for segregation, collection, transportation, treatment, recycling of sustainable resources including controlled sustainable resources or disposal of any type of wastes including its designated places, vehicle used for collection and transportation by the licensed service provider, construction and operation of licensed sustainable resources or wastes management facility, installation of equipment or machinery and any matter related thereto;

(b) prescribe for licensing including its renewal, revocation and any matter related thereto;

(c) prescribe the manner of preparation or submission of report to the Authority;

(d) prescribe and regulate the generation of energy including its feedstock, usage and products from such generation process and any matter related thereto;

(e) prescribe and regulate the production of non-energy including fertiliser, biochar and any matter related thereto;

(f) regulate or control any activities or any work or matter related to sustainable resources including controlled sustainable resources or wastes management, under this Ordinance and its regulations;

(g) prescribe and regulate the development and implementation of management system and technology related to sustainable resources including controlled sustainable resources or wastes;

(h) prescribe materials recovery facilities and any matter related thereto;

(i) prescribe any system or mechanism for collection and transportation of sustainable resources including controlled sustainable resources or wastes;

(j) prescribe any matters related to importation and exportation of sustainable resources including controlled sustainable resources or wastes;

(k) regulate or control any activity which may have significant or adverse impact to any activity related specifically to sustainable resources including controlled sustainable resources or wastes management;

(l) prescribe for fees, levy or any charges imposed under this Ordinance and providing the manner for collecting and disbursing such fees, levy or charges;

(m) prescribe advances, loans, grants in aid and incentives to persons or body of persons pursuant to this Ordinance;

(n) prescribe the procedure for assessment of rate for compensation or financial penalty that the Authority may require any person to pay for any breach or damage caused due to the act, omission, neglect or default of such person under this Ordinance and its regulation or any matter related thereof;

(o) prescribe the offences which may be compounded, the limit of the sum of money to be collected for compounding such offences and the procedure and forms to be complied with in compounding;

(p) regulate any investment by any investor or potential investor or any financier or potential financier, whether local or foreign in relation to sustainable resources including controlled sustainable resources or wastes management under this Ordinance or its regulations; and

(q) any matter or thing which requires to be prescribed or provided for as may be necessary or expedient for giving full effect to the provisions of this Ordinance.

(2) Such regulations may provide that the contravention of any particular regulations shall constitute an offence and may provide for the punishment of any such offence by penalties not exceeding five million ringgit or imprisonment for a term not exceeding five years, or to both and, in the case of a continuing offence, a sum not exceeding ten thousand ringgit for every day during which the offence continues.

Savings and transitions

74. Save as otherwise provided in the Ordinance—

(a) the provisions of this Ordinance shall have effect notwithstanding anything contrary contained in any agreements, licence, permit, approval, undertakings or arrangements relating to sustainable resources or wastes management activities executed or issued under any written law before or after the commencement of this Ordinance;

(b) any provisions contained in such agreements, licence, permit, approval, undertakings or arrangements shall to the extent to which it is repugnant to the provisions of this Ordinance become or be void as the case maybe; and

(c) after the coming into force of this Ordinance, the Minister may, by Direction published in the *gazette*, allows for certain period be given to any person including licensee, contractor or managing agent licensed or engaged under any written law or agreement before the coming into force of this Ordinance to comply with the provisions of this Ordinance.

*SCHEDULE***MEETINGS**

(Made under section 6)

Meetings

1.—(1) All meetings of the Authority shall be presided over by the Chairman or in his absence, by any member appointed for that purpose by the Chairman.

(2) The quorum of any meeting of the Authority shall be seven including the Chairman.

(3) Decisions of the Authority shall be made by a majority of votes of members.

(4) If for any question to be determined by the Authority there is an equality of votes, the Chairman shall have a casting vote.

(5) Subject to subparagraphs (1), (2), (3), (4) and paragraph 2, the Authority shall regulate its own procedures.

(6) Meetings of the Authority may be held physically or through any digital platform or combination thereof.

Frequency of meeting

2.—(1) Except with the written approval of the Minister, the Authority shall hold at least two meetings in every calendar year.

(2) Meetings of the Authority shall be called by the Chairman and notice of such meetings shall be issued and signed by the Secretary or any person specifically authorized by the Secretary.

Authority may invite others to meetings

3. The Authority may request any person to attend any meeting or deliberation of the Authority for the purpose of advising it on any matter under discussion, but any person so attending shall have no right to vote at the said meeting or deliberation.

Minutes

4.—(1) The Authority shall cause minutes of all its meetings to be maintained and kept in a proper form.

(2) Any minutes of meeting of the Authority shall, if duly signed by the Chairman or by the member presiding in his absence, as the case may be, be admissible in evidence in all legal proceedings without further proof and every meeting of the Authority in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.

(3) Members are entitled to copies of such minutes but shall not, without the permission of the Chairman, transmit, distribute or permit access thereto, to any person who is not a member of the Authority.

(4) The minutes of the Authority, its common seal and all its statutory and accounting records shall be kept at the principal office.

Circular resolutions

5. A resolution of the Authority may be passed without a meeting of the Authority being convened if the resolution is—

(a) circulated in writing to all members together with all documents and other information necessary or desirable, and with sufficient time, for the members to make an informed decision on the subject matter of the resolution;

(b) approved in writing by a majority of the members, which would have constituted a quorum at a meeting of the Authority; and

(c) of a type that the Authority has determined may be passed in accordance with this paragraph.

Principal office

6. The Authority shall have a principal office and no change in the principal office may be effected without the prior written approval of the Minister.

Disclosure of interests

7. A member of the Authority whether directly or indirectly, by himself or his spouse or children, having any interest in any company or undertaking with which the Authority proposes to make any contract or whether directly or indirectly having any interest in any such contract or in any matter under discussion by the Authority shall disclose to the Authority the fact of his interest and the nature thereof, and such disclosure shall be recorded in the minutes of the meetings of the Authority and, unless specifically authorized thereto by the Chairman, such member shall take no part in any deliberation or decision of the Authority relating to the contract or matter.

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