



Australian Capital Territory

Waste Minimisation Regulation 2001

SL2001-24

made under the

Waste Minimisation Act 2001

Republication No 5

Effective: 22 September 2009

Republication date: 22 September 2009

Last amendment made by A2009-20

Unauthorised version prepared by ACT Parliamentary Counsel's Office

About this republication

The republished law

This is a republication of the *Waste Minimisation Regulation 2001*, made under the *Waste Minimisation Act 2001* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 22 September 2009. It also includes any amendment, repeal or expiry affecting the republished law to 22 September 2009.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Australian Capital Territory

Waste Minimisation Regulation 2001

made under the

Waste Minimisation Act 2001

Part 1 Preliminary

1 Name of regulation

This regulation is the *Waste Minimisation Regulation 2001*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere in this regulation or in other legislation.

For example, the signpost definition '*regulated waste*—see the *Environment Protection Act 1997*, schedule 1, section 1.1A.' means that the term 'regulated waste' is defined in that section and the definition applies to this regulation.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 2 Garbage collection and disposal

5 Garbage to be kept in container

- (1) The occupier of premises must not keep garbage on the premises if the garbage is not in a suitable container.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

6 Segregation of garbage

- (1) The Minister may give a written direction about the need to deposit only garbage of a particular kind (for example, recyclable garbage or a particular kind of recyclable garbage) in a government bin, a particular kind of government bin or a particular segment of a government bin.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) A direction under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

- (3) A copy of a direction must also be published in a daily newspaper.
- (4) A person must not put garbage in a government bin, a particular kind of government bin or a particular segment of a government bin in a way that contravenes a direction.

Maximum penalty: 5 penalty units.

- (5) An offence against this section is a strict liability offence.

7 Garbage containers to be kept clean

- (1) This section applies in relation to a container used for the storage of garbage.
- (2) The occupier of premises where the container is kept must take all reasonable steps to keep the container in a hygienic condition.
Maximum penalty: 5 penalty units.
- (3) An offence against this section is a strict liability offence.

8 Government bins to be kept covered

- (1) The occupier of premises where a government bin is kept must take all reasonable steps to keep the lid of the bin closed except when garbage is being put in or removed from the bin.
Maximum penalty: 5 penalty units.
- (2) An offence against this section is a strict liability offence.

9 Entry to premises for garbage collection

- (1) A person who provides a garbage service may enter any premises at any reasonable time for the purpose of providing the service.
- (2) In this section:
premises does not include any building, part of a building or structure used as living quarters.

Part 3 Miscellaneous

11 Insanitary or unsightly waste

- (1) This section applies if an authorised person believes on reasonable grounds that waste is being kept on premises—
 - (a) in an insanitary condition; or
 - (b) if the waste, or a significant part of the waste, is clearly visible from other premises (including any land to which the public has access)—in an unsightly condition.
- (2) The authorised person may give a written direction to the occupier of the premises where the waste is being kept requiring the occupier—
 - (a) if subsection (1) (a) applies—not to keep waste on the premises in an insanitary condition; or
 - (b) if subsection (1) (b) applies—not to keep waste on the premises, or a stated part of the premises, in an unsightly condition.

Note For how documents may be given, see Legislation Act, pt 19.5.
- (3) It is sufficient if the direction is addressed to ‘the occupier’ or ‘the householder’.
- (4) The direction—
 - (a) takes effect 14 days after the day it is given to the occupier; and
 - (b) remains in effect for 1 year unless it is earlier revoked.
- (5) A person must not contravene a direction given to the person.
Maximum penalty: 10 penalty units.
- (6) An offence against this section is a strict liability offence.

12 Disposal of garden waste

- (1) A person must not put garden waste in a government bin.
Maximum penalty: 5 penalty units.
- (2) An offence against this section is a strict liability offence.

13 Disposal of regulated waste

- (1) A person must not put regulated waste in a government bin.
Maximum penalty: 10 penalty units.
- (2) A person must not bury regulated waste on land that is not a waste facility.
Maximum penalty: 10 penalty units.
- (3) An offence against this section is a strict liability offence.

14 Waste facility—declared uses for Act, s 25 (2)

- (1) The use of premises in accordance with subsection (2) for any of the following purposes is a declared use of the premises:
 - (a) the storage of waste;
 - (b) the treatment of waste;
 - (c) the reprocessing of waste;
 - (d) the sorting of waste;
 - (e) the disposal of waste;
 - (f) the conduct of a landfill operation.

- (2) For subsection (1), the premises must be used—
- (a) by the Territory; or
 - (b) in accordance with a licence under the *Environment Protection Act 1997*; or
 - (c) under a written agreement with the Territory.

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 In particular, the Legislation Act, dict, pt 1, defines the following terms:

- contravene
- daily newspaper
- the Territory.

container includes a government bin.

garbage—see the Act, section 21.

garbage service—see the Act, section 21.

government bin means a bin provided by the Territory for use in connection with the storage and collection of garbage.

insanitary condition means a condition that a reasonable person would consider to be, or to be likely to become, a risk to public health or offensive to community health standards.

keep, in relation to garbage or waste, includes cause or allow to be kept.

occupier, of premises, includes—

- (a) a person believed on reasonable grounds to be an occupier of the premises; and
- (b) a person apparently in charge of the premises.

premises includes—

- (a) any dwelling, building or structure (whether or not it is fixed to the land); and
- (b) any part of premises.

public health—see the *Public Health Act 1997*, dictionary.

regulated waste—see the *Environment Protection Act 1997*, schedule 1, section 1.1A.

suitable, in relation to a container in which garbage or waste is stored, means suitable for storage of the garbage or waste.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This regulation was originally the *Waste Minimisation Regulations 2001*. It was renamed under the *Legislation Act 2001*.

Waste Minimisation Regulation 2001 SL 2001 No 24

notified 17 July 2001 (Gaz 2001 No S47)
commenced 17 July 2001 (s 2)

as amended by

Statute Law Amendment Act 2002 No 30 pt 3.91

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.91 commenced 17 September 2002 (s 2 (1))

Criminal Code Harmonisation Act 2005 A2005-54 sch 1 pt 1.38

notified LR 27 October 2005
s 1, s 2 commenced 27 October 2005 (LA s 75 (1))
sch 1 pt 1.38 commenced 24 November 2005 (s 2)

Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.78

notified LR 1 September 2009
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))
sch 3 pt 3.78 commenced 22 September 2009 (s 2)

4 Amendment history

Name of regulation

s 1 am R3 LA

Commencement

s 2 om LA s 89 (4)

Offences against Act—application of Criminal Code etc

s 4A ins A2005-54 amdt 1.253

Garbage to be kept in container

s 5 sub A2005-54 amdt 1.254

Segregation of garbage

s 6 am 2001 No 24 s 15 (1); A2005-54 amdt 1.255; A2009-20
amdt 3.225

Garbage containers to be kept clean

s 7 sub A2005-54 amdt 1.256

Government bins to be kept covered

s 8 sub A2005-54 amdt 1.256

Hindrance or obstruction of person providing garbage service

s 10 om A2005-54 amdt 1.257

Insanitary or unsightly waste

s 11 am Act 2002 No 30 amdt 3.990; A2005-54 amdt 1.258

Disposal of garden waste

s 12 sub A2005-54 amdt 1.259

Disposal of regulated waste

s 13 sub A2005-54 amdt 1.259

Transitional

s 15 exp 12 September 2001 (s 15 (2))

Dictionary

dict am Act 2002 No 30 amdt 3.991; A2009-20 amdt 3.226

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	17 July 2001
2	A2002-30	3 October 2002
3	A2002-30	2 November 2004
4	A2005-54	24 November 2005

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