



Australian Capital Territory

Plastic Shopping Bags Ban Act 2010

A2010-49

Republication No 1

Effective: 1 July 2011 – 31 October 2011

Republication date: 1 July 2011

Act not amended

Not all provisions are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Plastic Shopping Bags Ban Act 2010* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 July 2011. It also includes any commencement, repeal or expiry affecting this republished law.

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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

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 the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



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Australian Capital Territory

Plastic Shopping Bags Ban Act 2010

An Act to restrict the supply of plastic shopping bags, and for other purposes

1 Name of Act

This Act is the *Plastic Shopping Bags Ban Act 2010*.

2 Commencement

- (1) This Act (other than section 7) commences on 1 July 2011.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) Section 7 commences on 1 November 2011.

3 Dictionary

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

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

For example, the signpost definition '*plastic shopping bag*—see section 6' means that the term 'plastic shopping bag' is defined in that section.

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

4 Notes

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

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

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to all offences against this Act (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.

6 What is a *plastic shopping bag*?

In this Act:

plastic shopping bag—

- (a) means—
 - (i) a bag that is made (in whole or in part) of polyethylene with a thickness of less than 35 microns; or
 - (ii) a bag prescribed by regulation to be a plastic shopping bag; but
- (b) does not include—
 - (i) a biodegradable bag; or
 - (ii) a plastic bag that is an integral part of the packaging in which goods are sealed prior to sale; or
 - (iii) a barrier bag; or
 - (iv) a bag prescribed by regulation not to be a plastic shopping bag.

U 7 Retailer not to supply plastic shopping bags

- (1) A retailer commits an offence if—
 - (a) the retailer supplies a plastic shopping bag to a customer of the retailer; and
 - (b) the plastic shopping bag is supplied for the customer to carry goods bought, or to be bought, from the retailer.

Maximum penalty: 50 penalty units.

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

8 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (2) A regulation may apply, adopt or incorporate an instrument as in force from time to time.

Note 1 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disapplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the Legislation Act.

9 Review of Act

- (1) The Minister must review the operation of this Act as soon as practicable after the end of its 2nd year of operation.
- (2) The Minister must present a report of the review to the Legislative Assembly within 6 months after the day the review is started.
- (3) This section expires 3 years after the day it commences.

100 Transitional—retailer to make alternative shopping bags available and display notices

- (1) A retailer commits an offence if—
- (a) the retailer—
 - (i) makes a plastic shopping bag available to a customer of the retailer; and
 - (ii) the plastic shopping bag is made available for the customer to carry goods bought, or to be bought, from the retailer; and
 - (b) the retailer fails to make an alternative shopping bag available for the customer to carry goods bought, or to be bought, from the retailer.

Maximum penalty: 50 penalty units.

- (2) A retailer commits an offence if—
- (a) the retailer—
 - (i) makes a plastic shopping bag available to a customer of the retailer; and
 - (ii) the plastic shopping bag is made available for the customer to carry goods bought, or to be bought, from the retailer; and
 - (b) the retailer fails to display a notice in accordance with subsection (3).

Maximum penalty: 50 penalty units.

- (3) For subsection (2) the notice must—
- (a) be at least 95mm in height and 150mm in width; and

(b) contain the following statement:

‘The ACT Government will ban the supply of lightweight checkout style plastic shopping bags, starting on 1 November 2011.

Alternative shopping bags are available from this retail outlet.’; and

(c) be prominently displayed so that so it can be seen and read easily by a person near where the retailer makes a plastic shopping bag available.

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

(5) In this section:

alternative shopping bag means—

(a) a biodegradable bag; or

(b) a bag that is designed to be used on a regular basis over a period of approximately 2 years; or

(c) a bag prescribed by regulation to be an alternative shopping bag.

(6) This section expires on the commencement of section 7.

Dictionary

(see s 3)

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

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- Act
- by
- Executive
- for
- may
- month
- must
- regulation.

barrier bag means a bag used to carry unpackaged perishable food including fruit, vegetables, meat and fish.

biodegradable bag means a plastic bag that meets the requirements prescribed by regulation for being compostable.

plastic shopping bag—see section 6.

retailer means a person who sells goods in trade or commerce.

Endnotes

1 About the endnotes

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

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

3 Legislation history

Plastic Shopping Bags Ban Act 2010 A2010-49

notified LR 14 December 2010

s 1, s 2 commenced 14 December 2010 (LA s 75 (1))

s 7 commences 1 November 2011 (s 2 (2))

remainder commenced 1 July 2011 (s 2 (1))

4 Amendment history

Review of Act

s 9 exp 1 July 2014 (s 9 (3))

Transitional—retailer to make alternative shopping bags available and display notices

s 100 exp 1 November 2011 (s 100 (6))

Fair Trading (Consumer Affairs) Act 1973, Dictionary, definition of *fair trading legislation*, new paragraph (da)

s 101 om LA s 89 (3)

5 Uncommenced provision

Section 7 was uncommenced at the republication date but has been included in this republication with the symbol **U** immediately before the provision heading.

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