



Australian Capital Territory

Plastic Shopping Bags Ban Act 2010

A2010-49

Republication No 2

Effective: 1 November 2011 – 1 July 2014

Republication date: 1 November 2011

Act not amended
(republication for commenced provision and
expiry of transitional provision (s 100))

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 November 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).



Australian Capital Territory

Plastic Shopping Bags Ban Act 2010

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R2
01/11/11

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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*.

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.

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.

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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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 commenced 1 November 2011 (s 2 (2))

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

4 Amendment history

Commencement

s 2 om LA s 89 (4)

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)

Endnotes

5 Earlier republications

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 and date	Effective	Last amendment made by	Republication for
R1 1 July 2011	1 July 2011– 31 Oct 2011	not amended	new Act

6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see *Legislation Act 2001*, s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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