



Australian Capital Territory

Waste Minimisation Regulations 2001

Subordinate Law 2001 No 24

The Australian Capital Territory Executive makes the following regulations under the *Waste Minimisation Act 2001*.

Dated 9 July 2001.

BRENDAN SMYTH
Minister

BILL STEFANIAK
Minister



Australian Capital Territory

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Part 1 Preliminary

1 Name of regulations

These regulations are the *Waste Minimisation Regulations 2001*.

2 Commencement

These regulations commence on the day they are notified in the Gazette.

3 Dictionary

The dictionary at the end of these regulations is part of these regulations.

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

For example, the signpost definition '*regulated waste*—see the *Environment Protection Act 1997*, schedule 1, clause 1A' means that the expression 'regulated waste' is defined in that clause and the definition applies to these regulations.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).

4 Notes

A note included in these regulations is explanatory and is not part of these regulations.

Note See *Interpretation Act 1967*, s 12 (1), (4) and (5) for the legal status of notes.

Part 2 Garbage collection and disposal

5 Garbage to be kept in container

The occupier of premises must not, without reasonable excuse, keep garbage on the premises except in a suitable container.

Maximum penalty: 5 penalty units.

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.
- (2) A direction must be notified in the Gazette.
- (3) A copy of a direction must also be published in a daily newspaper published and circulating in the Territory.
- (4) A person must not, without reasonable excuse, deposit 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.

7 Garbage containers to be kept clean

- (1) This regulation applies in relation to a container used for the storage of garbage.
- (2) The occupier of premises where a container is kept must, as far as practicable, keep the container in a hygienic condition.

Maximum penalty: 5 penalty units.

8 Government bins to be kept covered

The occupier of premises where a government bin is kept must, as far as is practicable, keep the lid of the bin closed except when garbage is being placed in or removed from the bin.

Maximum penalty: 5 penalty units.

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 regulation:

premises does not include any building, part of a building or structure used as living quarters.

10 Hindrance or obstruction of person providing garbage service

A person must not, without reasonable excuse, hinder or obstruct someone else who is acting in the course of providing a garbage service.

Maximum penalty: 5 penalty units.

Part 3 Miscellaneous

11 Insanitary or unsightly waste

- (1) This regulation 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 subregulation (1) (a) applies—not to keep waste on the premises in an insanitary condition; or
 - (b) if subregulation (1) (b) applies—not to keep waste on the premises, or a stated part of the premises, in an unsightly condition.
- (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) The person to whom the direction is given must not, without reasonable excuse, contravene the direction.

Maximum penalty: 10 penalty units.

12 Disposal of garden waste

A person must not, without reasonable excuse, deposit garden waste in a government bin.

Maximum penalty: 5 penalty units.

13 Disposal of regulated waste

- (1) A person must not, without reasonable excuse, deposit regulated waste in a government bin.

Maximum penalty: 10 penalty units.

- (2) A person must not, without reasonable excuse, bury regulated waste on any land other than a waste facility.

Maximum penalty: 10 penalty units.

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

- (1) The use of premises in accordance with subregulation (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 subregulation (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.

15 Transitional

- (1) On the commencement date, regulation 6 (2) is omitted and the following subregulation is substituted:

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

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (2) This regulation expires on the commencement date.

- (3) In this regulation:

commencement date means the date of commencement of the *Legislation Act 2001*, section 18 (ACT legislation register).

Dictionary

(see reg 3)

container includes a government bin.

garbage—see the Act, section 21 (Definitions for pt 3).

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, clause 1A.

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

Endnotes

Notification

- 1 Notified in Gazette 2001 No S47 on 17 July 2001.

Penalty units

- 2 The *Interpretation Act 1967*, s 33AA deals with the meaning of offence penalties that are expressed in penalty units.

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