



Australian Capital Territory

Waste Minimisation Regulations 2001 No 24

made under the

Waste Minimisation Act 2001

Republication No 2

Republication date: 3 October 2002

Last amendment made by Act 2002 No 30

Amendments incorporated to 17 September 2002

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Waste Minimisation Regulations 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 3 October 2002. It also includes any amendment, repeal or expiry affecting the republished law to 17 September 2002.

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.

Amendments incorporated to
17 September 2002



Australian Capital Territory

Waste Minimisation Regulations 2001

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Waste Minimisation Act 2001

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Part 1 Preliminary

1 Name of regulations

These regulations are the *Waste Minimisation Regulations 2001*.

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 *Legislation Act 2001*, s 155 and s 156 (1)).

4 Notes

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

Note See *Legislation Act 2001*, s 127 (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 under subregulation (1) is a notifiable instrument.

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

- (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.

Note For how documents may be given, see *Legislation Act 2001*, 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) 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 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.

Dictionary

(see reg 3)

Note 1 The *Legislation Act 2001* contains definitions and other provisions relevant to these regulations.

Note 2 In particular, the *Legislation Act 2001*, dict, pt 1, defines the following terms:

- contravene
- the Territory.

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

premises includes—

- any dwelling, building or structure (whether or not it is fixed to the land); and
- 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

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.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	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

Waste Minimisation Regulations 2001 SL 2001 No 24

notified 17 July 2001 (Gaz 2001 No S47)

commenced 17 July 2001 (reg 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))

4 Amendment history

Commencement

reg 2 om R1 (LA s 89 (4))

Segregation of garbage

reg 6 am 2001 No 24 reg 15 (1)

Insanitary or unsightly waste

reg 11 am Act 2002 No 30 amdt 3.990

Transitional

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

Dictionary

dict am Act 2002 No 30 amdt 3.991

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. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	17 July 2001

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