



Australian Capital Territory

Waste Minimisation Regulation 2001

SL2001-24

made under the

Waste Minimisation Act 2001

Republication No 3

Effective: 2 November 2004 – 23 November 2005

Republication date: 2 November 2004

Last amendment made by A2002-30
(republishing includes editorial amendments
under Legislation Act)

Authorised by the ACT Parliamentary Counsel

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 2 November 2004. It also includes any amendment, repeal or expiry affecting the republished law to 2 November 2004.

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 includes 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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R3
02/11/04

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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.

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.

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 published and circulating in the ACT.
- (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 section 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 section:

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 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) 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 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
- 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 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, 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))

4 Amendment history

Name of regulation

s 1 am R3 LA

Commencement

s 2 om LA s 89 (4)

Segregation of garbage

s 6 am 2001 No 24 s 15 (1)

Insanitary or unsightly waste

s 11 am Act 2002 No 30 amdt 3.990

Transitional

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

Dictionary

dict am Act 2002 No 30 amdt 3.991

5 Earlier republishings

Some earlier republishings 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 republishings have also been published in printed format. These republishings 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
2	A2002-30	3 October 2002

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