



Australian Capital Territory

Waste Management and Resource Recovery Regulation 2017

SL2017-20

made under the

Waste Management and Resource Recovery Act 2016

Republication No 1

Effective: 15 July 2017 – 29 June 2018

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Regulation not amended

About this republication

The republished law

This is a republication of the *Waste Management and Resource Recovery Regulation 2017*, made under the *Waste Management and Resource Recovery Act 2016* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 15 July 2017. 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 amendments

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 \$150 for an individual and \$750 for a corporation (see [Legislation Act 2001](#), s 133).



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Australian Capital Territory

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Waste Management and Resource Recovery Regulation 2017*.

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.

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.

5 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to all offences against this regulation (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.

Part 2 Waste facility licences

6 Information for licence application—Act, s 19 (2) (b)

The following information is prescribed:

- (a) the applicant's name, business address, email address and telephone number;
- (b) if the applicant is a partner in a partnership—the partnership's name;
- (c) if the applicant is not a company registered under the [Corporations Act](#) but has an ABN—
 - (i) the ABN; and
 - (ii) the name, business address, email address and telephone number of each person who is to have day-to-day control of the waste facility's business;
- (d) if the applicant is a company registered under the [Corporations Act](#)—
 - (i) the company's ACN; and
 - (ii) the name, business address, email address and telephone number of each director and public officer;
- (e) identifying particulars of land to which the application relates;
- (f) if someone other than the applicant is the lessee of the land—the written consent of the lessee of the land;
- (g) if the application relates to unleased territory land—the written consent of the director-general responsible for the [Planning and Development Act 2007](#);
- (h) the kind of waste activity to be conducted at the facility to which the application relates;

- (i) the waste categories that may be dealt with in the course of waste activity at the facility.

Examples—par (e)

- 1 block and section number
- 2 street address

Examples—par (h)

- 1 landfill
- 2 storage
- 3 sorting
- 4 recycling

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).

7 Entities to be consulted before licence application decision—Act, s 22 (2)

- (1) The following entities are prescribed:
- (a) the chief officer (fire and rescue service);
 - (b) the environment protection authority;
 - (c) if the application relates to a facility for the storing, sorting, treating, processing or disposing of clinical waste—the chief health officer.
- (2) In this section:
- clinical waste*—see the [Clinical Waste Act 1990](#), dictionary.

Part 3 Waste transporter registration

8 Definitions—pt 3

In this part:

manufacturer means a person who carries on the business of making or assembling vehicles.

model designation, for a vehicle of a particular model, means the words, figures, letters or other symbols (if any) applied by the manufacturer of the vehicle to describe or identify a vehicle of that model.

9 Information for registration application—Act, s 31 (2) (b)

The following information is prescribed:

- (a) the applicant's name, business address, email address and telephone number;
- (b) if the applicant is a partner in a partnership—the partnership's name;
- (c) if the applicant is not a company registered under the [Corporations Act](#) but has an ABN—
 - (i) the ABN; and
 - (ii) the name, business address, email address and telephone number of each person who is to have day-to-day control of the waste transporter's business;
- (d) if the applicant is a company registered under the [Corporations Act](#)—
 - (i) the company's ACN; and
 - (ii) the name, business address, email address and telephone number of each director and public officer;

- (e) the waste categories to be transported;
- (f) the following particulars for each vehicle to be used by the applicant, or an employee or agent of the applicant, for transporting waste:
 - (i) manufacturer;
 - (ii) vehicle type, model designation and year of manufacture;
 - (iii) registration details.

**10 Information for register of waste transporters—Act,
s 37 (2) (a)**

The following information is prescribed:

- (a) the registered waste transporter's name, business address, email address and telephone number;
- (b) if the registered waste transporter is a partnership—the partnership's name;
- (c) if the registered waste transporter is not a company registered under the [Corporations Act](#) but has an ABN—
 - (i) the ABN; and
 - (ii) the name, business address, email address and telephone number of each person who is to have day-to-day control of the registered waste transporter's business;
- (d) if the registered waste transporter is a company registered under the [Corporations Act](#)—
 - (i) the company's ACN; and
 - (ii) the name, business address, email address and telephone number of each director and public officer;
- (e) the waste categories transported by the registered waste transporter;

- (f) the following particulars of each vehicle used by the registered waste transporter, or an employee or agent of the transporter, for transporting waste:
 - (i) manufacturer;
 - (ii) vehicle type, model designation and year of manufacture;
 - (iii) registration details.

Part 4 Waste storage, collection etc

11 Definitions—pt 4

(1) In this part:

domestic recyclable waste means only the following:

- (a) rigid plastic containers;
- (b) paper and cardboard;
- (c) glass bottles and jars;
- (d) steel cans;
- (e) aluminium cans, trays and foil;
- (f) liquid paperboard cartons;
- (g) any other waste declared by the waste manager for this definition.

Note A declaration by the waste manager is a notifiable instrument (see s (2)).

occupier, of premises, includes the following:

- (a) a person living at the premises;
- (b) a person apparently in charge of the premises;
- (c) the owner or manager of a business carried out at the premises.

territory waste container means a waste container provided by the Territory—

- (a) for use in connection with the storage and collection of waste;
and
- (b) for regular collection by a waste collection service.

waste rectification notice means a notice under section 17 (1).

- (2) A declaration under subsection (1), definition of *domestic recyclable waste*, paragraph (g) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

12 Responsibilities and liabilities of joint occupiers

- (1) If a waste rectification notice may be given to an occupier of premises in relation to a matter, the same notice may also be given to another occupier of the premises in relation to the same matter if there are reasonable grounds for believing—
- (a) that the other occupier has also engaged in the conduct that is the subject of the matter in the notice; or
 - (b) if the occupier or occupiers engaging in the conduct cannot be identified—each is an occupier at the premises where the conduct happened.
- (2) If a proceeding is started against an occupier of premises for an offence against this part, a proceeding for the same offence may also be started against another occupier of the premises.

13 Disposal of regulated waste at waste facility

A person commits an offence if—

- (a) the person disposes of regulated waste at a waste facility; and
- (b) the licensee for the waste facility does not consent to the disposal of regulated waste at the facility; and
- (c) the person knows the licensee does not consent to disposal of the regulated waste.

Maximum penalty: 30 penalty units.

14 Unauthorised conduct at waste facility

A person commits an offence if—

- (a) the person engages in conduct when collecting or disposing of waste at a waste facility; and
- (b) as a result of the conduct the person interferes with waste at the waste facility; and
- (c) the licensee for the waste facility does not consent to the person's conduct; and
- (d) the person knows the licensee does not consent to the conduct.

Maximum penalty: 10 penalty units.

15 Waste transporter must comply with directions etc at waste facility

A person commits an offence if the person—

- (a) is a waste transporter; and
- (b) enters a waste facility to collect or dispose of waste; and
- (c) fails to—
 - (i) comply with a requirement displayed on a sign at the facility; or
 - (ii) comply with a reasonable direction given by the operator of the facility, or another person with authority to give the direction, in relation to the management of waste at the facility; or
 - (iii) deal with waste according to a reasonable direction given by the operator of the facility, or another person at the facility with authority to give the direction; or

- (iv) if the person is disposing of waste—give the operator of the facility, or a person who appears to be employed by the operator, information about the amount of waste and waste category being disposed of at the facility.

Maximum penalty: 10 penalty units.

Examples—reasonable direction in relation to management of waste

- 1 to move from an unloading area at the waste facility
- 2 to wait at a place before disposing of a load of waste
- 3 that waste be deposited in a particular place at the waste facility
- 4 requesting the waste transporter to disclose the amount, and category of waste being disposed of at the facility

Note 1 **Fail** includes refuse (see [Legislation Act](#), dict, pt 1).

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Note 3 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).

16 Waste escaping from vehicle or equipment

- (1) A person commits an offence if—
 - (a) the person is a waste transporter; and
 - (b) the person, or an employee or agent of the person, operates a vehicle or equipment; and
 - (c) the vehicle or equipment is being operated—
 - (i) to transport or collect waste; and

- (ii) in circumstances, or in a way, in which there is a reasonable likelihood that waste will escape from the vehicle or equipment when operated.

Maximum penalty: 20 penalty units.

Examples—par (c) (ii)

- 1 a container mounted on the vehicle or equipment is not secured safely to the vehicle or equipment during transportation of waste
- 2 waste that is likely to be blown, or otherwise escape, from the vehicle or equipment if uncovered during its transportation is not covered during its transportation

Note 1 **Person** includes an unincorporated body (see [Act](#), dict).

Note 2 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 person commits an offence if—
 - (a) the person is a waste transporter; and
 - (b) the person, or an employee or agent of the person, operates a vehicle or equipment; and
 - (c) the vehicle or equipment is being operated to transport or collect waste; and
 - (d) waste escapes from the vehicle or equipment.

Maximum penalty: 20 penalty units.

- (3) If the person mentioned in subsection (1) or (2) is a partnership, each partner in the partnership commits an offence.
- (4) It is a defence to a prosecution for an offence against subsection (1) or (2) if the defendant proves—
 - (a) that—
 - (i) the defendant did not know about the employee or agent operating the vehicle or equipment; and

- (ii) reasonable precautions were taken and appropriate diligence was exercised to prevent waste escaping from the vehicle or equipment; or
- (b) if the defendant is a partner—the defendant was not in a position to influence the other partners in relation to ensuring waste would not escape from the vehicle or equipment.

Note The defendant has a legal burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 59).

- (5) In this section:

equipment means any apparatus, device, machine, mechanism, dredge, or crane.

escapes includes leaks or spills.

vehicle means any means of transport and includes a vessel or a unit of rolling stock.

17 Waste rectification notice—Act, s 64 (2) (a) and (d)

- (1) An authorised person may give a person occupying premises (the ***occupier***) written notice (a ***waste rectification notice***) if the authorised person believes on reasonable grounds that the occupier's conduct in relation to waste storage or collection is an offence against this part.
- (2) A waste rectification notice must state the following:
 - (a) that it is a waste rectification notice under this section;
 - (b) a unique identifying number for the notice;

- (c) the name of the occupier, and a description of the premises, that are the subject of the notice;

Examples—description of premises

- 1 the street address
- 2 the distinguishing number or name given to a division, block or section under the [Districts Act 2002](#), and on which the premises are located to describe the land

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).

- (d) the grounds on which the notice is given, including—
- (i) the occupier's alleged conduct; and
 - (ii) the offence against this part the occupier is believed to have committed;
- (e) that the occupier take action stated in the notice (***rectification action***) before the day stated in the notice (the ***compliance day***);
- (f) particulars of the rectification action and compliance day;
- (g) that the occupier may be prosecuted for an offence against this part if the occupier fails to take the rectification action before the compliance day;
- (h) contact details for the authorised person who gave the notice.

Note For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (3) When deciding the compliance day for the notice, the authorised person must—
- (a) take into account the need to—
 - (i) reduce any risk to public health; and
 - (ii) allow a reasonable time for an occupier to carry out the rectification action in the circumstances; and

- (b) not state a day that is less than 2 days after the day the notice is given to the occupier.
- (4) If the identity of the occupier is not known to the authorised person at the time the notice is given, the waste rectification notice may be addressed to ‘the occupier’ or ‘the householder’.

18 Waste segregation—Act, s 64 (2) (a) and (d)

- (1) A person commits an offence if—
 - (a) the person places waste in a domestic waste container; and
 - (b) the waste is not domestic waste.Maximum penalty: 5 penalty units.
- (2) A person commits an offence if—
 - (a) the person places waste in a domestic recyclable waste container; and
 - (b) the waste is not domestic recyclable waste.Maximum penalty: 5 penalty units.
- (3) A person commits an offence if—
 - (a) the person places waste in a green waste container; and
 - (b) the waste is not garden waste.Maximum penalty: 5 penalty units.
- (4) An offence against this section is a strict liability offence.
- (5) In this section:
domestic recyclable waste container means a territory waste container designated for domestic recyclable waste only.

domestic waste—

- (a) means waste, including domestic recyclable waste, from residential premises; but
- (b) does not include any of the following:
 - (i) sewage;
 - (ii) regulated waste;
 - (iii) garden waste;
 - (iv) rocks or soil;
 - (v) hot ashes;
 - (vi) commercial waste;
 - (vii) industrial waste;
 - (viii) construction waste;
 - (ix) demolition waste;
 - (x) dead animals;
 - (xi) solvents;
 - (xii) paints;
 - (xiii) oil not used for cooking or other bodily use.

domestic waste container means a territory waste container designated for domestic waste only.

garden waste means plant material generated on urban land.

Examples

- 1 grass cuttings
- 2 hedge trimmings
- 3 lopped twigs, branches or roots

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).

green waste container means a territory waste container designated for garden waste only.

19 Failure to keep waste in waste container—Act, s 64 (2) (d)

- (1) A person commits an offence if the person—
 - (a) is an occupier of premises; and
 - (b) keeps waste on the premises; and
 - (c) fails to keep the waste in a waste container.

Maximum penalty: 10 penalty units.

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

20 Unhygienic waste container—Act, s 64 (2) (d)

- (1) A person commits an offence if—
 - (a) the person is an occupier of premises; and
 - (b) the person uses a waste container for storing waste on the premises; and
 - (c) the container—
 - (i) is in an unhygienic condition; or

- (ii) causes unhygienic conditions.

Maximum penalty: 10 penalty units.

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

public health—see the [Public Health Act 1997](#), dictionary.

unhygienic condition means a condition that a reasonable person would consider to be, or likely to become, a risk to public health or offensive to community health standards.

waste container includes a territory waste container.

21 Unsightly waste—Act, s 64 (2) (d)

- (1) A person commits an offence if—
- (a) the person is an occupier of premises; and
 - (b) the person keeps waste on the premises; and
 - (c) the waste, or a significant part of the waste, is clearly visible from other premises, including land to which the public has access; and
 - (d) the waste is unsightly.

Maximum penalty: 10 penalty units.

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

22 Waste container not closed—Act, s 64 (2) (d)

- (1) A person commits an offence if the person—
- (a) is an occupier of premises; and
 - (b) stores waste in a waste container for the premises; and

- (c) fails to ensure that—
 - (i) the waste container is fitted with a lid that can be closed;
or
 - (ii) the lid of the waste container is closed.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply if the waste container is provided by the occupier for use by members of the public in a public area of the premises.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) In this section:

public area, of premises, means an area of the premises that is open to the public.

23 Location of waste container—Act, s 64 (2) (d)

- (1) A person commits an offence if the person—
 - (a) is an occupier of premises; and
 - (b) stores waste in a territory waste container for the premises; and
 - (c) fails to ensure—
 - (i) the container is kept within the property boundary for the premises; or
 - (ii) the container is placed where a waste collection service has unobstructed access to the container on waste collection day.

Maximum penalty: 10 penalty units.

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

- (3) Subsection (1) (c) (i) does not apply if the container has been removed from the property boundary—

(a) for—

(i) collection of waste by a waste collection service; and

(ii) a reasonable period before or after a waste collection service is scheduled to empty waste from the container; or

(b) if the container has been damaged or is unwanted—for collection of the container.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) Subsection (1) (c) (ii) does not apply if at the time the container was placed for collection by a waste collection service, reasonable steps were taken to ensure the service had unobstructed access to the container.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

- (5) In this section:

waste collection day, for a waste container, means a day on which a waste collection service is scheduled to collect waste from the container.

waste container includes a territory waste container.

24 Permission to enter premises—Act, s 64 (2) (e)

- (1) An employee or agent of an entity that provides a waste collection service may at any reasonable time enter premises for the purpose of carrying out the service.

- (2) In this section:

premises does not include any part of a building or structure used for residential purposes.

Note The [Act](#), pt 13 (Enforcement), includes provisions dealing with the power of authorised people to enter to premises and search warrants.

Part 5 Reporting

25 Waste activity report information—Act, s 65 (2) (a)

- (1) The following information is prescribed:
 - (a) for a report by a licensee—
 - (i) if the licensee's waste facility received waste from a registered waste transporter—details of each registered waste transporter that delivered waste to the facility, including the registration details of each waste transporter vehicle that delivered waste; and
 - (ii) if the facility received waste from an entity other than a registered waste transporter—the registration details of each entity vehicle that delivered waste to the facility; and
 - (iii) the dates on which waste was received at the facility; and
 - (iv) the waste categories received at the facility; and
 - (v) the amount of waste in each load received at the facility, expressed as either—
 - (A) a unit of weight or, if it is not practicable to determine the weight, a unit of volume; or
 - (B) the total number of items of a particular waste category; and
 - (vi) the dates on which waste was collected from the facility; and
 - (vii) the waste categories collected from the facility; and

- (viii) the amount of waste in each load collected from the facility, expressed as either—
 - (A) a unit of weight or, if it is not practicable to determine the weight, a unit of volume; or
 - (B) the total number of items of a particular waste category; and
- (ix) details of places where waste collected from the facility were to be transported;
- (b) for a report by a registered waste transporter—
 - (i) the places, other than a waste facility, where waste was collected by the transporter; and
 - (ii) the dates on which waste was collected by the transporter; and
 - (iii) the waste categories collected by the transporter; and
 - (iv) the amount of waste in each load collected by the transporter, expressed as either—
 - (A) a unit of weight or, if it is not practicable to determine the weight, a unit of volume; or
 - (B) the total number of items of a particular waste category; and
 - (v) details of each waste facility to which the transporter delivered waste, and from which the transporter collected waste; and
 - (vi) details of places where waste collected from a waste facility were transported.

- (2) However, information mentioned in subsection (1) is not prescribed for a report given by a particular licensee or registered waste transporter if the waste manager notifies the licensee or registered waste transporter, in writing, that the information need not be included.

Note Power to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

- (3) In this section:

place includes any of the following:

- (a) a suburb or locality;
- (b) a street or street address;
- (c) a units plan;
- (d) a centre of retail trade.

26 Reporting period for waste activity report—Act, s 65 (3)

The period prescribed is each quarter.

Note ***Quarter***—see the [Legislation Act](#), dictionary, pt 1.

Part 6 Miscellaneous

27 Waste quantification

- (1) This section applies if—
 - (a) waste must be quantified—
 - (i) for a fee payable under the Act; or
 - (ii) by the waste manager for the purpose of verifying information in a waste activity report given to the waste manager in accordance with the [Act](#), section 65; and
 - (b) records relating to the waste are inadequate for quantifying the waste; and
 - (c) the waste manager decides that, because of the inadequate records, quantifying the waste must be based on presumptions or estimates of any of the following:
 - (i) whether waste was collected or received at a waste facility;
 - (ii) when waste was collected or received;
 - (iii) the source of waste that was collected or received;
 - (iv) the amount of waste collected or received.
- (2) Without limiting subsection (1) (b), records relating to waste are inadequate if—
 - (a) no records exist for the waste; or
 - (b) records for the waste are incomplete, inaccurate or inconsistent with other records (whether kept by a waste management business or another entity); or

- (c) information contained in the records for the waste has been obtained in a way that the waste manager considers inappropriate.
- (3) The waste manager may presume the following, unless the contrary is proven by a waste management business:
 - (a) waste presently or previously at a waste facility is waste that was received at the facility in the course of business;
 - (b) waste was collected by a waste transporter, or received by a waste facility, on the day the waste manager decides that records about collecting or receiving the waste are inadequate.
- (4) The waste manager may estimate the number of tonnes of waste transported by a waste transporter, or received by a waste facility, using any of the following:
 - (a) a volumetric survey of the waste carried out by a registered surveyor;
 - (b) records of a waste management business;
 - (c) information provided by an authorised person who has seen or inspected a place or thing;
 - (d) records of entities not involved in the operation of a waste management business;
 - (e) any other information available to the waste manager.
- (5) If the waste manager wishes to use information from a volumetric survey of waste at a waste facility, the waste manager may direct the licensee to do any of the following:
 - (a) arrange for a registered surveyor to carry out a volumetric survey of specified waste at the facility;
 - (b) provide a copy of the surveyor's report of the survey to the waste manager;

- (c) comply with any other condition reasonably related to carrying out the survey.

Note The waste manager may direct a licensee to comply with a condition of a licence. A licensee commits an offence if the licensee fails to comply with the direction (see [Act](#), div 13.1).

- (6) If the waste manager needs to rely on a volumetric survey to estimate the number of tonnes of waste collected by a waste transporter or received by a waste facility, the waste manager must either—
 - (a) take each 2 cubic metres of waste to weigh 1 tonne of waste; or
 - (b) if the waste manager is satisfied that another practicable method estimates the number of tonnes more accurately than a volumetric survey—apply the other method.
- (7) This section applies whether the waste to be quantified was collected by a waste transporter, or received by a waste facility, before, on or after the commencement of this section.
- (8) In this section:
waste activity report—see the [Act](#), section 65.

Schedule 1 Waste categories

(see dict, def *waste category*)

1.1 Meaning of *electronic waste*—sch 1

In this schedule:

electronic waste—see the [Environment Protection Act 1997](#), dictionary.

1.2 Categories of waste

column 1 item	column 2 category of waste
1	aggregate, roadbase or ballast
2	aluminium (non-ferrous)
3	asbestos
4	ashes
5	batteries
6	biosolids or manures
7	bricks or concrete
8	ceramics, tiles or pottery
9	commingled recyclables
10	composts or mulches
11	contaminated soil
12	dredging spoil
13	electronic waste
14	ferrous metal (iron or steel)
15	food or kitchen
16	glass

Schedule 1 Waste categories

Section 1.2

column 1 item	column 2 category of waste
17	mattresses
18	mixed waste (more than 1 waste type mentioned in this schedule)
19	non-ferrous metal (other than aluminium)
20	oil
21	paper or cardboard
22	pharmaceutical or clinical
23	plasterboard
24	plastic
25	problem waste
26	residue or reject
27	shredder floc
28	soil (uncontaminated or virgin excavated natural material)
29	veterinary waste
30	wood, trees or timber

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- breach
- chief health officer
- chief officer (fire and rescue service)
- corporation
- Corporations Act
- emergency services commissioner
- entity
- environment protection authority
- fail
- penalty unit (see s 133)
- person (see s 160)
- quarter
- registered surveyor
- the Territory
- year.

Note 3 Terms used in this regulation have the same meaning that they have in the [Waste Management and Resource Recovery Act 2016](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Waste Management and Resource Recovery Act 2016](#), dict:

- authorised person
- licensee
- person
- registered
- waste
- waste activity (see s 11)
- waste facility (see s 14)
- waste transporter (see s 13).

ABN, for an entity, means the ABN or Australian Business Number for the entity under the *A New Tax System (Australian Business Number) Act 1999* (Cwlth).

ACN, for an entity, means the ACN or Australian Company Number for the entity under the *Corporations Act*.

domestic recyclable waste, for part 4 (Waste storage, collection etc)—see section 11.

keep includes cause or allow to be kept.

manufacturer, for part 3 (Waste transporter registration)—see section 8.

model designation, for part 3 (Waste transporter registration)—see section 8.

occupier, of premises, for part 4 (Waste storage, collection etc)—see section 11.

premises includes the following:

- (a) land;
- (b) any dwelling, building or structure (whether or not it is fixed to the land);
- (c) part of a thing mentioned in paragraph (a) or (b).

regulated waste—see the *Environment Protection Act 1997*, schedule 1, section 1.1A.

territory waste container, for part 4 (Waste storage, collection etc)—see section 11.

waste category means a category of waste mentioned in schedule 1, section 1.2, column 2.

waste rectification notice, for part 4 (Waste storage, collection etc)—see section 11.

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

Endnotes

3 Legislation history

3 Legislation history

Waste Management and Resource Recovery Regulation 2017 SL2017-20

notified LR 14 July 2017

s 1, s 2 commenced 14 July 2017 (LA s 75 (1))

remainder commenced 15 July 2017 (s 2)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

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