



Australian Capital Territory

# **Waste Management and Resource Recovery Regulation 2017**

**SL2017-20**

made under the

**Waste Management and Resource Recovery Act 2016**

**Republication No 2**

**Effective: 30 June 2018 – 31 October 2021**

Republication date: 30 June 2018

Last amendment made by [SL2018-9](#)

## 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 30 June 2018. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 30 June 2018.

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](http://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](http://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).



Australian Capital Territory

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made under the

**Waste Management and Resource Recovery Act 2016**

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Waste Management and Resource Recovery  
Regulation 2017  
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Australian Capital Territory

# Waste Management and Resource Recovery Regulation 2017

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made under the

**Waste Management and Resource Recovery Act 2016**

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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 4A                      Container deposit scheme**

### **Division 4A.1              General**

#### **24A              Meaning of *corresponding law*—Act, s 64B**

The following are corresponding laws:

- (a) for New South Wales—the *Waste Avoidance and Resource Recovery Act 2001* (NSW);
- (b) for the Northern Territory—the *Environment Protection (Beverage Containers and Plastic Bags) Act* (NT);
- (c) for Queensland—the *Waste Reduction and Recycling Act 2011* (Qld);
- (d) for South Australia—the *Environment Protection Act 1993* (SA).

#### **24B              Liquids that are not beverages—Act, s 64C, def *beverage*, par (b)**

- (1) The following liquids are not beverages:
  - (a) milk (other than flavoured milk);
  - (b) cordial;
  - (c) concentrated fruit or vegetable juice (or a mixture of concentrated fruit and vegetable juices) intended to be diluted before consumption;
  - (d) registered health tonics.

(2) In this section:

***cordial*** means concentrated syrup that—

- (a) contains the following ingredients (whether or not it also contains other ingredients):
  - (i) water;
  - (ii) a natural or artificial sweetener;
  - (iii) colouring (whether natural or artificial);
  - (iv) flavouring; and
- (b) is intended to be diluted before consumption.

***flavoured milk*** means milk to which flavouring has been added.

***flavouring*** means any natural or artificial flavouring but does not include sweetener.

***milk*** includes—

- (a) any liquid milk product (including any substance in the nature of milk produced from milk concentrate or milk powder); and
- (b) any plant-based milk substitute.

***registered health tonic*** means a liquid that—

- (a) is included in the Australian Register of Therapeutic Goods under the *Therapeutic Goods Act 1989* (Cwlth); and
- (b) is supplied with a label or other accompanying document stating—
  - (i) that the liquid is for medicinal purposes; and
  - (ii) a recommended maximum dosage.

**24C      What is not a container—Act, s 64E, def *container*, par (b)**

- (1) The following are not containers:
- (a) a container designed to contain less than 150ml of a beverage;
  - (b) a container designed to contain more than 3L of a beverage;
  - (c) a glass container designed to contain only wine or spirituous liquor;
  - (d) a container designed to contain 1L or more of—
    - (i) flavoured milk; or
    - (ii) a beverage comprising at least 90% fruit or vegetable juice (or a mixture of fruit and vegetable juices);
  - (e) a container designed to contain 1L or more of wine, wine-based beverage or water made of—
    - (i) cardboard and plastic; or
    - (ii) cardboard and foil; or
    - (iii) cardboard, plastic and foil (commonly known as a cask or aseptic pack);
  - (f) a container made of plastic or foil, or both (commonly known as a sachet) designed to contain 250ml or more of wine.

- (2) In this section:

***glass container*** means a container made wholly or partly of glass.

***spirituous liquor***—a beverage is ***spirituous liquor*** if the beverage—

- (a) is a liqueur, or other alcoholic beverage produced by distillation, or a mixture of both; and
- (b) is not mixed with any beverage other than a liqueur or an alcoholic beverage produced by distillation.

*wine*—a beverage is *wine* if the beverage—

- (a) is produced by fermentation of grapes (whether or not mixed with any other grape product); and
- (b) is not mixed with any beverage other than a grape product.

*wine-based beverage* means a beverage that—

- (a) contains a mixture of wine and another beverage that is not a grape product; and
- (b) has an alcohol by volume content of less than 10%.

**24D Refund amount—Act, s 64F**

The refund amount is 10 cents.

**24E Refund marking—Act, s 64G**

- (1) The refund marking is the deposit statement marked or labelled on the container in legible characters.
- (2) In this section:

*deposit statement* means the following statement:

‘10c refund at collection depots/points in participating State/Territory of purchase’.

**24F Suitability requirements—Act, s 64H (5)**

- (1) In deciding whether a person is a suitable person to be a scheme coordinator or network operator, the Minister must consider the following:
  - (a) whether the person has been convicted, or found guilty, of an offence against a relevant law;



- (b) whether the person has contravened a provision of a scheme administration agreement under the Act or a corresponding law of a State;
- (c) if the applicant is a corporation—whether a director of the corporation is or has been a director of another corporation that has contravened a provision of—
  - (i) a relevant law; or
  - (ii) a scheme administration agreement under the Act or a corresponding law of a State;
- (d) whether the person has been convicted, or found guilty, in the last 5 years, whether in the ACT or elsewhere, of an offence involving fraud or dishonesty;
- (e) whether the person is, or at any time in the last 3 years has been, bankrupt or personally insolvent;  
*Note*      ***Bankrupt or personally insolvent***—see the [Legislation Act](#), dictionary, pt 1.
- (f) if the applicant is an individual—whether the person has, at any time in the last 3 years, been involved in the management of a corporation when—
  - (i) the corporation became the subject of a winding-up order; or
  - (ii) a controller or administrator was appointed;
- (g) if the applicant is a corporation—whether the corporation—
  - (i) is the subject of a winding-up order; or
  - (ii) has had a controller or administrator appointed at any time in the last 3 years;

- (h) whether, in the opinion of the Minister, the person has the knowledge, skills and experience required to fulfil the person's obligations as a scheme coordinator or network operator;
  - (i) whether the person can demonstrate the financial capacity to comply with the person's obligations under the proposed agreement;
  - (j) whether the person is in a partnership, in relation to activities that are subject to a scheme administration agreement or proposed agreement, with a person the Minister decides is not a suitable person to be a scheme coordinator or network operator.
- (2) If the applicant is a corporation, a reference in subsection (1) (a) or (h) to a person includes a reference to a director of the corporation.
- (3) In this section:
- relevant law* means—
- (a) the [Act](#); and
  - (b) the [Environment Protection Act 1997](#); and
  - (c) the [Litter Act 2004](#).

**24G Contents of scheme arrangements under scheme coordinator agreement—Act, s 64J (4) (b)**

A network arrangement must include the following:

- (a) the name, address and contact details of each party to the agreement;
- (b) the following information about the collection points proposed to be operated by the network operator:
  - (i) the address of the proposed collection point;

- (ii) the proposed operating hours for the collection point;

*Note* Collection points are required to be open during certain hours (see s 24P (d)).

- (iii) information relating to any approval required under the *Planning and Development Act 2007* and whether the approval is held or has been applied for;

- (c) either—

- (i) details of the waste facility licence for the collection point held by the network operator; or
- (ii) if the network operator has applied for a waste facility licence and the application has not been refused but not yet approved—a statement to that effect;

- (d) a requirement that parties to the arrangement must comply with the Territory privacy principles.

## **Division 4A.2 Network arrangements—Act, s 64K (2)**

### **24H Application for approval of network arrangements**

An application for approval of a network arrangement must be accompanied by a copy of the arrangement signed by both parties.

### **24I Waste manager may request further information**

- (1) The waste manager may, by written notice, require the applicant for approval of a network arrangement to give the waste manager more information—
  - (a) that the waste manager believes on reasonable grounds is needed to decide the application; and
  - (b) within a stated time; and
  - (c) at a stated place.

- (2) If the applicant does not comply with a requirement in the notice, the waste manager may refuse to consider the application further.

**24J Change of information must be provided**

- (1) This section applies if the information in an application for approval of a network arrangement changes before the application is decided.
- (2) The applicant must give the waste manager written notice of the particulars of the change.

**24K Decision about application for approval**

- (1) The waste manager must, within the required time after the waste manager receives an application for approval of a network arrangement—

- (a) approve the arrangement; or
- (b) refuse to approve the arrangement.

*Note 1* Failure to approve an arrangement within the required time is taken to be a decision not to approve the arrangement (see [ACT Civil and Administrative Tribunal Act 2008](#), s 12).

*Note 2* A decision under s (1) (b) is a reviewable decision (see s 26A).

- (2) In deciding whether to approve a network arrangement, the waste manager may consider—
- (a) whether the arrangement complies with the requirements of the Act; and
- (b) whether the agreement requires the parties to the arrangement to comply with the Territory privacy principles; and
- (c) for a collection point operated by the network operator under the arrangement—information relating to any approval required under the [Planning and Development Act 2007](#) and whether the approval is held or has been applied for.

- (3) The waste manager may approve a network arrangement subject to conditions.

*Note* A decision under s (3) is a reviewable decision (see s 26A).

- (4) An approval of a network arrangement must—
- (a) be in writing; and
  - (b) include the following:
    - (i) the names of the parties to the arrangement;
    - (ii) the date the approval expires;
    - (iii) the conditions (if any) of the approval.
- (5) If the waste manager refuses to approve a network arrangement, the waste manager must refund any fee paid in relation to the application.
- (6) In this section:
- required time*** means—
- (a) if the waste manager requires the applicant to give further information under section 24I—56 days after the day the applicant gives the information to the waste manager; or
  - (b) in any other case—56 days after the day the waste manager receives the application.

## **24L Amendment of network arrangement approval**

- (1) The waste manager may, by written notice, amend the approval of a network operator arrangement by—
- (a) amending a condition imposed by the waste manager under section 24K (3); or
  - (b) imposing a further condition on the approval.

*Note* A decision under s (1) is a reviewable decision (see s 26A).

- (2) The waste manager must give the notice to each party to the network arrangement.
- (3) An amendment takes effect on—
  - (a) the day the notice is given; or
  - (b) if a later day is stated in the notice—the later day.

## **24M Suspension or revocation of network arrangement approval**

- (1) The waste manager may suspend or revoke the approval of a network arrangement if—
  - (a) a party to the arrangement contravenes a condition of the approval; or
  - (b) a party to the arrangement contravenes a provision of the [Act](#), part 10A (Container deposit scheme); or
  - (c) the network arrangement has expired or been terminated and the waste manager is satisfied there is no unresolved dispute between the parties to the arrangement in relation to the expiry or termination.
- (2) The waste manager must give the parties to the arrangement written notice (a ***show cause notice***) of an intention to suspend or revoke the approval of the network arrangement, stating—
  - (a) the ground for suspension or revocation; and
  - (b) that the approval holder may, within 14 days after the day the holder is given the notice, give a written submission to the waste manager about the proposed suspension or revocation.
- (3) The waste manager must consider any submission received by the waste manager in response to the show cause notice when making a decision to suspend or revoke the approval of the network arrangement.

- (4) The waste manager may suspend or revoke the approval of the network arrangement if the waste manager—
- (a) has given a show cause notice to the approval holder; and
  - (b) has considered any reasons given by the approval holder in response to the show cause notice; and
  - (c) is satisfied that the ground for suspension or revocation exists.

*Note* A decision under s (4) is a reviewable decision (see s 26A).

- (5) The suspension or revocation takes effect—
- (a) on the day the waste manager gives the approval holder written notice that the approval of the network arrangement is suspended or revoked; or
  - (b) if a later day is stated in the notice of suspension or revocation—the later day.

## **Division 4A.3 Network operator agreements—Act, s 64N (4)**

### **24N Definitions—div 4A.3**

In this division:

***bulk delivery***, of containers, means a delivery of 1 500 or more containers.

***catchment area*** means an industrial catchment area or a residential catchment area.

***commencement day*** means the day on which this section commences.

***district*** means a district under the *Districts Act 2002*, section 5.

*Note* The districts set out in the *Districts Act 1966* (repealed), sch are taken to be districts created under the *Districts Act 2002*, s 5.

***division*** means a division under the *Districts Act 2002*, section 6.

*industrial catchment area* means—

- (a) the division of Fyshwick in the Canberra Central district and the division of Hume in the Tuggeranong district; or
- (b) the division of Mitchell in the Gungahlin district.

*residential catchment area* means—

- (a) the Belconnen district; or
- (b) the division of Oaks Estate and the Canberra Central district (excluding the division of Fyshwick); or
- (c) the division of Hall and the Gungahlin district (excluding the division of Mitchell); or
- (d) the Molonglo Valley district, Weston Creek district and Woden Valley district; or
- (e) the division of Tharwa and the Tuggeranong district (excluding the division of Hume).

**24O Network operator agreements—performance targets—  
Act, s 64N (4) (a)**

A network operator agreement must—

- (a) include performance targets; and
- (b) state the period the performance targets apply for; and
- (c) state a way to determine whether the performance targets have been met.

**24P Network operator agreements—content of collection  
point arrangements under agreement—Act, s 64N (4) (b)**

A collection point arrangement must—

- (a) comply with the Territory privacy principles; and



- (b) ensure that—
  - (i) collection points are established in locations in catchment areas that ensure a reasonable travel time to the nearest collection point from anywhere else in the ACT; and
  - (ii) each collection point is accessible by public transport; and
  - (iii) each collection point complies with any requirements in a code in the [territory plan](#) that relates to access or mobility for people with disabilities; and
- (c) ensure that—
  - (i) each collection point within an industrial catchment area is capable of accepting at least 2 bulk deliveries of containers on each day it operates; and
  - (ii) each collection point within a residential catchment area is capable of accepting containers from, and providing refunds to, the residents of the catchment area, or an equivalent number of people, within a reasonable time; and
- (d) require each collection point to be open—
  - (i) on a weekday, other than a public holiday—for at least 7 hours between 7am and 7pm; and
  - (ii) on a Saturday and Sunday, other than on a public holiday—for at least 6 hours on each day between 8am and 5pm; and
  - (iii) on a public holiday, other than Good Friday or Christmas day—for at least 5 hours between 9am and 5pm; and
- (e) require—
  - (i) on the commencement day—at least 2 operational collection points in separate catchment areas; and

- (ii) 3 months after the commencement day—at least 6 operational collection points in separate catchment areas; and
- (iii) 6 months after the commencement day—at least 10 operational collection points including 1 or 2 collection points in each catchment area.

## **Division 4A.4      Collection point arrangements—Act, s 64O (2)**

### **24Q      Application for approval of collection point arrangements**

An application for approval of a collection point arrangement must be accompanied by—

- (a) a copy of the collection point arrangement that includes—
    - (i) the names, addresses and contact details of the applicant and the collection point operator; and
    - (ii) information about whether the collection point operator is an ACNC registered entity; and
    - (iii) the following information about each collection point:
      - (A) the address of the collection point;
      - (B) the operating hours for the collection point;
- Note*      The minimum operating hours for collection points are set out in s 24P (d).
- (C) information relating to any approval required under the *Planning and Development Act 2007* and whether the approval is held or has been applied for;
  - (D) information about whether employment opportunities will be available at the collection point for people with disabilities; and

- (b) either—
  - (i) details of the waste facility licence for the collection point held by the collection point operator; or
  - (ii) if the collection point operator has applied for a waste facility licence and the application has not been refused but not yet approved—a statement to that effect.

**24R Waste manager may request further information**

- (1) The waste manager may, by written notice, require that the applicant for approval of a collection point arrangement gives the waste manager more information—
  - (a) that the waste manager believes on reasonable grounds is needed to decide the application; and
  - (b) within a stated time; and
  - (c) at a stated place.
- (2) If the applicant does not comply with a requirement in the notice, the waste manager may refuse to consider the application further.

**24S Change of information must be provided**

- (1) This section applies if the information in an application for approval of a collection point arrangement changes before the application is decided.
- (2) The applicant must give the waste manager written notice of the particulars of the change.

**24T Decision about application for approval**

- (1) The waste manager must, within the required time after the waste manager receives an application for approval of a collection point arrangement—

- (a) approve the arrangement; or
- (b) refuse to approve the arrangement.

*Note 1* Failure to approve an arrangement within the required time is taken to be a decision not to approve the arrangement (see [ACT Civil and Administrative Tribunal Act 2008](#), s 12).

*Note 2* A decision under s (1) (b) is a reviewable decision (see s 26A).

- (2) In deciding whether to approve a collection point arrangement, the waste manager may consider the following:
  - (a) whether the arrangement complies with the requirements of the Act;
  - (b) whether the arrangement requires each party to the arrangement to comply with the Territory privacy principles;
  - (c) whether any necessary development approval under the [Planning and Development Act 2007](#) has been, or is likely to be, obtained in relation to the activities authorised or required under the arrangement;
  - (d) whether the collection points under the arrangement will offer employment opportunities for people with disabilities.
- (3) The waste manager may approve a collection point arrangement subject to conditions.

*Note* A decision under s (3) is a reviewable decision (see s 26A).

- (4) An approval of a collection point arrangement must—
  - (a) be in writing; and
  - (b) include the following:
    - (i) the names of the parties to the arrangement;
    - (ii) the date the approval expires;
    - (iii) the conditions (if any) of the approval.

- (5) If the waste manager refuses to approve a collection point arrangement, the waste manager must refund any fee paid in relation to the application.
- (6) In this section:  
*required time* means—
  - (a) if the waste manager requires the applicant to give further information under section 24R—56 days after the day the applicant gives the information to the waste manager; or
  - (b) in any other case—56 days after the day the waste manager receives the application.

#### **24U Amendment of collection point arrangement approval**

- (1) The waste manager may, by written notice, amend the approval of a collection point arrangement by—
  - (a) amending a condition imposed by the waste manager under section 24T (3); or
  - (b) imposing a condition on the approval.

*Note* A decision under s (1) is a reviewable decision (see s 26A).

- (2) The waste manager must give the notice to each party to the collection point arrangement.
- (3) An amendment takes effect on—
  - (a) the day the notice is given; or
  - (b) if a later day is stated in the notice—the later day.

#### **24V Suspension or revocation of collection point arrangement approval**

- (1) The waste manager may suspend or revoke the approval of a collection point arrangement if—

- (a) the approval holder contravenes a condition of the approval; or
  - (b) the approval holder contravenes a provision of the [Act](#), part 10A (Container deposit scheme); or
  - (c) the approval holder—
    - (i) is given written notice of an approval fee; and
    - (ii) fails to pay the approval fee by the date stated in the notice; or
  - (d) the collection point arrangement has expired or been terminated and the waste manager is satisfied there is no unresolved dispute between the parties to the arrangement in relation to the expiry or termination.
- (2) The waste manager must give the approval holder written notice (a ***show cause notice***) of an intention to suspend or revoke the approval of the collection point arrangement, stating—
- (a) the ground for suspension or revocation; and
  - (b) that the approval holder may, within 14 days after the day the holder is given the notice, give a written submission to the waste manager about the proposed suspension or revocation.
- (3) The waste manager must consider any submission received by the waste manager in response to the show cause notice when making a decision to suspend or revoke the approval of the collection point arrangement.
- (4) The waste manager may suspend or revoke the approval of the collection point arrangement if the waste manager—
- (a) has given a show cause notice to the approval holder; and
  - (b) has considered any reasons given by the approval holder in response to the show cause notice; and
  - (c) is satisfied the ground for suspension or revocation exists.

*Note* A decision under s (4) is a reviewable decision (see s 26A).

- (5) The suspension or revocation takes effect—
- (a) on the day the waste manager gives the approval holder written notice that the approval of the collection point arrangement is suspended or revoked; or
  - (b) if a later day is stated in the notice of suspension or revocation—the later day.

## **Division 4A.5 Scheme compliance**

### **24W Disposal of containers—Act, s 64L (6) (a) and (b)**

- (1) A material recovery facility operator commits an offence if—
- (a) the operator claims a processing refund for a container; and
  - (b) the container is disposed of to landfill.
- Maximum penalty: 15 penalty units.
- (2) An offence against subsection (1) is a strict liability offence.
- (3) A material recovery facility operator commits an offence if the operator—
- (a) negligently lets a container be disposed of to landfill; and
  - (b) claims a processing refund for the container.
- Maximum penalty: 30 penalty units.
- (4) A material recovery facility operator commits an offence if the operator—
- (a) knows a container is disposed of to landfill; and
  - (b) claims a processing refund for the container.
- Maximum penalty: 40 penalty units.

- (5) This section does not apply to the disposal of a part of a container if—
- (a) the container is consigned for transport to a recycling facility that recycles containers of that kind; and
  - (b) the part of the container is not capable of being recycled at the facility.
- (6) In this section:

*processing refund*—see the [Act](#), section 64L (1).

*recycling facility* means premises, in or outside the ACT, where the processing of containers for reuse or recycling is lawfully carried out.

**24X Prescribed information on register—Act, s 64T (4)**

If the register is kept electronically, the register must include information about whether each collection point is—

- (a) currently available to accept containers; or
- (b) currently unavailable to accept containers.

**24Y Reports by scheme coordinator—Act, s 64U (1) (c)**

The following matters are prescribed:

- (a) the number of containers for which refund amounts have been paid by collection point operators at collection points during the reporting period;
- (b) the number of containers for which refund amounts have been paid by the scheme coordinator to a material recovery facility operator during the reporting period;
- (c) the number and location of collection points for which the network operator has collection point arrangements in force at any time during the reporting period;



- (d) the number of suppliers in relation to whom a supply arrangement has been in force at any time during the reporting period and the total number of containers that have been supplied during that period by those suppliers;
- (e) the amounts paid to the network operator under a network arrangement during the reporting period;
- (f) the total operating costs of the scheme coordinator for the reporting period;
- (g) the arrangements made by the scheme coordinator during the reporting period for the protection of the confidentiality of commercial information provided to the scheme coordinator by suppliers;
- (h) the arrangements made by the scheme coordinator during the reporting period for governance and risk management;
- (i) the arrangements made by the scheme coordinator during the reporting period for minimising the risk of false claims for the payment of refund amounts;
- (j) all incidents of false claims for the payment of refund amounts identified by the scheme coordinator during the reporting period;
- (k) all incidents resulting in serious personal injury or property or environmental damage occurring in the course of the collection, handling or transportation of containers in connection with the operation of the scheme identified by the scheme coordinator during the reporting period;
- (l) the reasons for any failure of the scheme coordinator to meet a performance target during the reporting period, and strategies for rectifying the failure;
- (m) the trends in the kinds of beverage containers supplied in the ACT;

- (n) the rate of collection and recycling of containers in the ACT.

## **Division 4A.6 Acceptance of containers at collection points**

### **24Z Circumstances when refund amount not payable by collection point operator—Act, s 64Y (2) (c)**

The Act, section 64Y (1) does not apply if—

- (a) the container is—
  - (i) contaminated with a substance that makes the container—
    - (A) unsuitable for reuse or recycling; or
    - (B) a serious risk to health or safety of people at the collection point or a serious risk to the proper operation of the collection point; or
  - (ii) damaged in a way that prevents—
    - (A) the refund marking from being read; or
    - (B) the collection point operator being able to confirm the container is a container; or
- (b) the person asks the collection point operator to donate the refund amount to an ACNC registered entity operating in the ACT that is nominated by the operator and the operator makes the donation to the ACNC registered entity within 2 working days after the day the operator accepts the container; or
- (c) the collection point operator gives the person a written notice of the refund amount and—
  - (i) the collection point arrangement for the collection point provides that the network operator will pay the refund amount to the person within 2 working days after the day the collection point operator accepts the container; and

- (ii) the network operator pays the refund amount to the person within the 2 working days.

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

**24ZA Refund amounts paid by collection point operators—Act, s 64Y (3)**

A collection point operator must pay the refund amount for a container within 2 working days after the operator accepts the container at a collection point.

**24ZB Declaration of number of containers—Act, s 64Z (3) (a)**

The number of containers is—

- (a) for containers presented to the collection point operator up to 30 June 2019—500 in 1 presentation; and
- (b) for containers presented to the collection point operator after 30 June 2019—
  - (i) 1 500 in 1 presentation; or
  - (ii) 3 000 in 1 or more presentations within a 48-hour period.

**24ZC Records to be kept—Act, s 64Z (4)**

The following records are prescribed:

- (a) a copy of a proof of identity document of a person presenting a container at a collection point;
- (b) the number of containers presented for which refund amounts have been paid by the collection point operator;
- (c) the number of claims for refund amounts that have been made to the collection point;

- (d) the number of refund declarations requested by and provided to the collection point operator at a collection point;
- (e) a copy of each refund declaration made at a collection point.

**24ZD Refund declaration—Act, s 64Z (7)**

The following information is prescribed:

- (a) the name of the person presenting a container to the collection point operator (the *claimant*);
- (b) the claimant's residential address;
- (c) the number of containers for which a refund amount is claimed by the claimant;
- (d) the date and time the refund claim is made by the claimant;
- (e) a declaration signed by the claimant that, for each presented container—
  - (i) the claimant has lawfully acquired ownership of the container; and
  - (ii) the container was acquired in the ACT or in a State in which a corresponding law is in force; and
  - (iii) the claimant is not aware of any refund amount being previously paid for the container.

## 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 5A Notification and review of decisions

### 26A Meaning of *reviewable decision*—pt 5A

In this part:

*reviewable decision* means a decision mentioned in schedule 2, column 3 under a provision of this regulation mentioned in column 2 in relation to the decision.

### 26B Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 2, column 4 in relation to the decision.

*Note 1* The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the [ACT Civil and Administrative Tribunal Act 2008](#).

### 26C Applications for review

The following may apply to the ACAT for a review of a reviewable decision:

- (a) an entity mentioned in schedule 2, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the [ACT Civil and Administrative Tribunal Act 2008](#) for the application, the form must be used.



## 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

<b>column 1 item</b>	<b>column 2 category of waste</b>
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

## Schedule 2 Reviewable decisions

(see pt 5A)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	24K (1) (b)	refuse to approve network arrangement	applicant
2	24K (3)	approve network arrangement subject to conditions	entity holding approval
3	24L (1)	amend network arrangement approval	entity holding approval
4	24M (4)	suspend or revoke network arrangement approval	entity holding approval
5	24T (1) (b)	refuse to approve collection point arrangement	applicant
6	24T (3)	approve collection point arrangement subject to conditions	entity holding approval
7	24U (1)	amend collection point arrangement approval	entity holding approval
8	24V (4)	suspend or revoke collection point arrangement approval	entity holding approval

## 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:

- ACT
- breach
- chief health officer
- chief officer (fire and rescue service)
- corporation
- Corporations Act
- emergency services commissioner
- entity
- environment protection authority
- expire
- fail
- financial year
- may (see s 146)
- must (see s 146)
- penalty unit (see s 133)
- person (see s 160)
- quarter
- registered surveyor
- territory plan
- 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
- beverage (see s 64C)

- collection point (see s 64D)
- collection point arrangement (see s 64N (1))
- collection point operator (see s 64B)
- container (see s 64E)
- corresponding law (see s 64B)
- licensee
- material recovery facility operator (see s 64B)
- network operator (see s 64B)
- person
- refund amount (see s 64F)
- registered
- scheme administration agreement (s 64H (1))
- scheme coordinator (see s 64B)
- scheme coordinator agreement (see s 64B)
- waste
- waste activity (see s 11)
- waste facility (see s 14)
- waste manager
- 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*.

**ACNC registered entity**—see the *Charitable Collections Act 2003*, dictionary.

**bulk delivery**, of containers, for division 4A.3 (Network operator agreements—Act, s 64N (4))—see section 24N.

**catchment area**, for division 4A.3 (Network operator agreements—Act, s 64N (4))—see section 24N.



***commencement day***, for division 4A.3 (Network operator agreements—Act, s 64N (4))—see section 24N.

***district***, for division 4A.3 (Network operator agreements—Act, s 64N (4))—see section 24N.

***division***, for division 4A.3 (Network operator agreements—Act, s 64N (4))—see section 24N.

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

***industrial catchment area***, for division 4A.3 (Network operator agreements—Act, s 64N (4))—see section 24N.

***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.

***residential catchment area***, for division 4A.3 (Network operator agreements—Act, s 64N (4))—see section 24N.

***reviewable decision***, for part 5A (Notification and review of decisions)—see section 26A.

***Territory privacy principles***—see the [Information Privacy Act 2014](#), section 13.

***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

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### 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)

as amended by

#### **Waste Management and Resource Recovery (Container Deposit Scheme) Amendment Regulation 2018 (No 1) SL2018-9**

notified LR 18 June 2018

s 1, s 2 commenced 18 June 2018 (LA s 75 (1))

remainder commenced 30 June 2018 (s 2 and see Waste  
Management and Resource Recovery Amendment Act 2017  
[A2017-36](#), s 2 (1) (as am by [A2018-17](#) s 4) and [CN2018-7](#))

## 4 Amendment history

### Commencement

s 2 om LA s 89 (4)

### Container deposit scheme

pt 4A hdg ins [SL2018-9](#) s 4

### General

div 4A.1 hdg ins [SL2018-9](#) s 4

### Meaning of *corresponding law*—Act, s 64B

s 24A ins [SL2018-9](#) s 4

### Liquids that are not beverages—Act, s 64C, def *beverage*, par (b)

s 24B ins [SL2018-9](#) s 4

### What is not a container—Act, s 64E, def *container*, par (b)

s 24C ins [SL2018-9](#) s 4

### Refund amount—Act, s 64F

s 24D ins [SL2018-9](#) s 4

### Refund marking—Act, s 64G

s 24E ins [SL2018-9](#) s 4

### Suitability requirements—Act, s 64H (5)

s 24F ins [SL2018-9](#) s 4

### Contents of scheme arrangements under scheme coordinator agreement—Act, s 64J (4) (b)

s 24G ins [SL2018-9](#) s 4

### Network arrangements—Act, s 64K (2)

div 4A.2 hdg ins [SL2018-9](#) s 4

### Application for approval of network arrangements

s 24H ins [SL2018-9](#) s 4

### Waste manager may request further information

s 24I ins [SL2018-9](#) s 4

### Change of information must be provided

s 24J ins [SL2018-9](#) s 4

### Decision about application for approval

s 24K ins [SL2018-9](#) s 4

### Amendment of network arrangement approval

s 24L ins [SL2018-9](#) s 4

### Suspension or revocation of network arrangement approval

s 24M ins [SL2018-9](#) s 4

## Endnotes

### 4 Amendment history

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**Network operator agreements—Act, s 64N (4)**

div 4A.3 hdg ins [SL2018-9](#) s 4

**Definitions—div 4A.3**

s 24N ins [SL2018-9](#) s 4  
def **bulk delivery** ins [SL2018-9](#) s 4  
def **catchment area** ins [SL2018-9](#) s 4  
def **commencement day** ins [SL2018-9](#) s 4  
def **district** ins [SL2018-9](#) s 4  
def **division** ins [SL2018-9](#) s 4  
def **industrial catchment area** ins [SL2018-9](#) s 4  
def **residential catchment area** ins [SL2018-9](#) s 4

**Network operator agreements—performance targets—Act, s 64N (4) (a)**

s 24O ins [SL2018-9](#) s 4

**Network operator agreements—content of collection point arrangements under agreement—Act, s 64N (4) (b)**

s 24P ins [SL2018-9](#) s 4

**Collection point arrangements—Act, s 64O (2)**

div 4A.4 hdg ins [SL2018-9](#) s 4

**Application for approval of collection point arrangements**

s 24Q ins [SL2018-9](#) s 4

**Waste manager may request further information**

s 24R ins [SL2018-9](#) s 4

**Change of information must be provided**

s 24S ins [SL2018-9](#) s 4

**Decision about application for approval**

s 24T ins [SL2018-9](#) s 4

**Amendment of collection point arrangement approval**

s 24U ins [SL2018-9](#) s 4

**Suspension or revocation of collection point arrangement approval**

s 24V ins [SL2018-9](#) s 4

**Scheme compliance**

div 4A.5 hdg ins [SL2018-9](#) s 4

**Disposal of containers—Act, s 64L (6) (a) and (b)**

s 24W ins [SL2018-9](#) s 4

**Prescribed information on register—Act, s 64T (4)**

s 24X ins [SL2018-9](#) s 4

**Reports by scheme coordinator—Act, s 64U (1) (c)**

s 24Y ins [SL2018-9](#) s 4

**Acceptance of containers at collection points**div 4A.6 hdg ins [SL2018-9](#) s 4**Circumstances when refund amount not payable by collection point operator—Act, s 64Y (2) (c)**s 24Z ins [SL2018-9](#) s 4**Refund amounts paid by collection point operators—Act, s 64Y (3)**s 24ZA ins [SL2018-9](#) s 4**Declaration of number of containers—Act, s 64Z (3) (a)**s 24ZB ins [SL2018-9](#) s 4**Records to be kept—Act, s 64Z (4)**s 24ZC ins [SL2018-9](#) s 4**Refund declaration—Act, s 64Z (7)**s 24ZD ins [SL2018-9](#) s 4**Notification and review of decisions**pt 5A hdg ins [SL2018-9](#) s 5**Meaning of *reviewable decision*—pt 5A**s 26A ins [SL2018-9](#) s 5**Reviewable decision notices**s 26B ins [SL2018-9](#) s 5**Applications for review**s 26C ins [SL2018-9](#) s 5**Reviewable decisions**sch 2 ins [SL2018-9](#) s 6**Dictionary**

dict am [SL2018-9](#) s 7, s 8

def **ACNC registered entity** ins [SL2018-9](#) s 9

def **bulk delivery** ins [SL2018-9](#) s 9

def **catchment area** ins [SL2018-9](#) s 9

def **commencement day** ins [SL2018-9](#) s 9

def **district** ins [SL2018-9](#) s 9

def **division** ins [SL2018-9](#) s 9

def **industrial catchment area** ins [SL2018-9](#) s 9

def **residential catchment area** ins [SL2018-9](#) s 9

def **reviewable decision** ins [SL2018-9](#) s 9

def **Territory privacy principles** ins [SL2018-9](#) s 9

## Endnotes

5 Earlier republishings

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### 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. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 15 July 2017	15 July 2017– 29 June 2018	not amended	new regulation

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