Plastic Shopping Bags Ban Act 2010
A2010-49

Republication No 3
Effective: 2 July 2014

Republication date: 2 July 2014

Act not amended
(republication for expiry of provision (s 9))

Authorised by the ACT Parliamentary Counsel
About this republication

The republished law

This is a republication of the Plastic Shopping Bags Ban Act 2010 (including any amendment made under the Legislation Act 2001, part 11.3 (Editorial changes)) as in force on 2 July 2014. 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 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). 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 $140 for an individual and $700 for a corporation (see Legislation Act 2001, s 133).
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Plastic Shopping Bags Ban Act 2010

An Act to restrict the supply of plastic shopping bags, and for other purposes
1 **Name of Act**
This Act is the *Plastic Shopping Bags Ban Act 2010*.

3 **Dictionary**
The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (signpost definitions) to other terms defined elsewhere in this Act.
For example, the signpost definition ‘plastic shopping bag’—see section 6’ means that the term ‘plastic shopping bag’ is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 **Notes**
A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 **Offences against Act—application of Criminal Code etc**
Other legislation applies in relation to offences against this Act.

Note 1 **Criminal Code**
The Criminal Code, ch 2 applies to all offences against this Act (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 (e.g. 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.
6 What is a plastic shopping bag?

In this Act:

**plastic shopping bag**—

(a) means—

(i) a bag that is made (in whole or in part) of polyethylene with a thickness of less than 35 microns; or

(ii) a bag prescribed by regulation to be a plastic shopping bag; but

(b) does not include—

(i) a biodegradable bag; or

(ii) a plastic bag that is an integral part of the packaging in which goods are sealed prior to sale; or

(iii) a barrier bag; or

(iv) a bag prescribed by regulation not to be a plastic shopping bag.

7 Retailer not to supply plastic shopping bags

(1) A retailer commits an offence if—

(a) the retailer supplies a plastic shopping bag to a customer of the retailer; and

(b) the plastic shopping bag is supplied for the customer to carry goods bought, or to be bought, from the retailer.

Maximum penalty: 50 penalty units.

(2) An offence against this section is a strict liability offence.
8 Regulation-making power

(1) The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

(2) A regulation may apply, adopt or incorporate an instrument as in force from time to time.

Note 1 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disapplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the Legislation Act.
Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- Act
- by
- Executive
- for
- may
- month
- must
- regulation.

**barrier bag** means a bag used to carry unpackaged perishable food including fruit, vegetables, meat and fish.

**biodegradable bag** means a plastic bag that meets the requirements prescribed by regulation for being compostable.

**plastic shopping bag**—see section 6.

**retailer** means a person who sells goods in trade or commerce.
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 replications.

2 Abbreviation key

A = Act
AF = Approved form
am = amended
amdt = amendment
AR = Assembly resolution
ch = chapter
CN = Commencement notice
def = definition
DI = Disallowable instrument
dict = dictionary
disallowed = disallowed by the Legislative Assembly
div = division
exp = expires/expired
Gaz = gazette
hdg = heading
IA = Interpretation Act 1967
ins = inserted/added
LA = Legislation Act 2001
LR = legislation register
LRA = Legislation (Republication) Act 1996
mod = modified/modification

NI = Notifiable instrument
om = omitted/repealed
ord = ordinance
orig = original
par = paragraph/subparagraph
pres = present
prev = previous
(prev...) = previously
pt = part
r = rule/subrule
reloc = relocated
renum = renumbered
RI = reissue
s = section/subsection
sch = schedule
sdiv = subdivision
SL = Subordinate law
sub = substituted

underlining = whole or part not commenced or to be expired

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3 Legislation history

Plastic Shopping Bags Ban Act 2010 A2010-49
notified LR 14 December 2010
s 1, s 2 commenced 14 December 2010 (LA s 75 (1))
s 7 commenced 1 November 2011 (s 2 (2))
remainder commenced 1 July 2011 (s 2 (1))

4 Amendment history

Commencement
s 2 om LA s 89 (4)

Review of Act
s 9 exp 1 July 2014 (s 9 (3))

Transitional—retailer to make alternative shopping bags available and display notices
s 100 exp 1 November 2011 (s 100 (6))

Fair Trading (Consumer Affairs) Act 1973,
Dictionary, definition of fair trading legislation, new paragraph (da)
s 101 om LA s 89 (3)
## Earlier replications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

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## Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see *Legislation Act 2001*, s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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