

NORTHERN TERRITORY OF AUSTRALIA

ENVIRONMENT PROTECTION (BEVERAGE CONTAINERS AND PLASTIC BAGS) REGULATIONS

Subordinate Legislation No. 10 of 2011

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 10 of 2011*

Environment Protection (Beverage Containers and Plastic Bags) Regulations

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Environment Protection (Beverage Containers and Plastic Bags) Act*.

Dated 4 April 2011

T. I. PAULING
Administrator

By His Honour's Command

K. VATSKALIS
Minister for Health
acting for
Minister for Natural Resources, Environment and Heritage

* Notified in the *Northern Territory Government Gazette* on 13 April 2011.

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Environment Protection (Beverage Containers and Plastic Bags) Regulations*.

2 Commencement

These Regulations commence on the commencement of Part 3 of the *Environment Protection (Beverage Containers and Plastic Bags) Act 2011*.

Part 2 Plastic bags

3 Australian standard

The Australian Standard for the definition **biodegradable bag** in section 52 of the Act is AS 4736–2006 (Biodegradable plastics – Biodegradable plastics suitable for composting and other microbial treatment).

4 Prohibition day

For the definition **prohibition day** in section 53(2) of the Act, 1 September 2011 is prescribed.

5 Notice to be displayed

(1) For section 56(1)(b) of the Act, the retailer must display, in a prominent position at each place in the premises where the retailer makes a prohibited plastic bag available, a notice that:

- (a) subject to subregulation (2), is not less than 95 mm in height and 150 mm in width; and
- (b) includes the following statement in legible letters:

The Territory Government is banning the supply of lightweight, single use, non-biodegradable plastic bags from 1 September 2011. Alternative bags are available from this retail outlet.

(2) The requirement in subregulation (1)(a) does not apply to a notice in electronic form.

Part 3 Infringement notice offences

6 Definitions

In this Part:

infringement notice, see regulation 8.

infringement notice offence, see regulation 7(1).

prescribed amount, see regulation 7(2).

7 Infringement notice offence and prescribed amount payable

- (1) An *infringement notice offence* is an offence against a provision specified in the Schedule.
- (2) The *prescribed amount* payable for an infringement notice offence is the amount specified opposite the offence in the Schedule.

8 When infringement notice may be given

If an authorised officer reasonably believes a person has committed an infringement notice offence, the officer may give a notice (an *infringement notice*) to the person.

9 Contents of infringement notice

- (1) The infringement notice must specify the following:
 - (a) the name and address of the person, if known;
 - (b) the date the infringement notice is given to the person;
 - (c) the date, time and place of the infringement notice offence;
 - (d) a description of the offence;
 - (e) the prescribed amount payable for the offence;
 - (f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act*, to whom the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
 - (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;

- (b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;
 - (c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act*, including (but not limited to) action for the following:
 - (i) suspending the person's licence to drive;
 - (ii) seizing personal property of the person;
 - (iii) deducting an amount from the person's wages or salary;
 - (iv) registering a statutory charge on land owned by the person;
 - (v) making a community work order for the person and imprisonment of the person if the person breaches the order.
- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

10 Payment by cheque

If the person tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

11 Withdrawal of infringement notice

- (1) The CEO may withdraw the infringement notice by written notice given to the person.
- (2) The notice must be given:
 - (a) within 28 days after the infringement notice is given to the person; and
 - (b) before payment of the prescribed amount.

12 Application of Part

- (1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.

- (2) Also, this Part does not:
- (a) require an infringement notice to be given; or
 - (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
 - (c) prevent more than one infringement notice for the same offence being given to a person.
- (3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

Schedule Infringement notice offences and prescribed amounts

regulation 7

Provision	Prescribed amount in penalty units
section 55(1) of Act	2
section 56(1) of Act	2
section 57(1) of Act	2
